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Charges addressed to the
Judge by Private Citizens of Reading

To My Son,

to whom alone these papers can have any value,
that he may know what were the thoughts and opi-
-nions, on the subjects treated, of his

Father.

Reading. 6. Mar. 1854

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VOLUME

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GRAND JURY ROOM,
Easton, August 24th, 1849.

To the Honorable J. Pringle Jones,

SIR:—The Grand Inquest of Northampton County, believing that the publicity of the able and impressive Charge, delivered by you to them, would be conducive to the welfare and peace of the County, and calculated to instruct the general mind and to direct our citizens as to their relative rights and obligations, by resolution, have instructed me as their foreman, to request a copy of it for publication.

With much respect,
JOHN DE YOUNG, *Foreman.*

THE GRAND INQUEST, having received a copy of the Charge of Judge Jones, order and direct that James A. Dunlap, Editor of the Easton Sentinel, publish in pamphlet form, *One Thousand Copies* of said Charge, to be placed in the Commissioners' Office, and distributed to such persons as may call for the same; and that the Commissioners of the County of Northampton pay for the publication thereof.

JOHN DE YOUNG, *Foreman.*

GRAND JURY ROOM,
Easton, August 24th, 1849.

List of Grand Jurors for August Term, 1849.

George Warner, Bushkill,
John De Young, L. Mt. B.
Leopold Keller, Saucon,
Jno. Algard, U. Mt. Bethel,
George W. Housel, Easton,
Samuel Utt, South Easton,
Isaac Best, Moore,
George A. Beck, L. Naz'th,
George A. Hice, Easton,
James Henry, Bushkill,
Abm. Laubach, Williams,
Johnson Godown, Easton,
Frederick W. Nagle, East Allen,
George Hower, Allen,
Thomas Harman, Beth'm tsp.,
J. C. Wirebach, South Easton,
Jesse Dreisbach, Plainfield,
Robert Britain, L. Mt. Bethel,
Edward Seip, Easton,
Daniel Muffly, East Allen,
Jacob Benninger, Lehigh,
Henry Fackenthal, Williams,
Thomas Sholl, Moore,
Jacob Hess, Bethlehem Tsp.

CHARGE.

Gentlemen of the Grand Inquest,

At the two last preceding Sessions of the Criminal Court of this County, we might well have congratulated its citizens upon the palpable diminution of crime within its borders. And not merely was there a marked decrease of the number of offences brought to the cognizance of the Courts, but crime itself seemed sinking from its darker, to its lighter, shades of guilt. In every respect, both of quantity and of quality, the criminal business seemed to be assuming a sounder and healthier condition than it had presented for many years before. We have reason to believe, that this happy state of things was not merely accidental, but was a result of the fixed and declared purpose of the Court to deal severely with offenders. We think that the examples we had made, and the increasing severity of the punishments we had imposed, had produced their natural effect. The ignorant, the brutal, and the wicked were brought to some reflection, as well upon the fate of others, as upon the probable termination of their own careers. And in this way crime was checked in your midst. For ourselves, we have no doubt of the efficacy of the penal law, when it is administered with a direct view to that end, to produce that result. Mistaken philanthropy has not as yet quite disarmed it of all its terrors—there happily remain enough of these to inspire human wickedness and depravity with a wholesome fear, where it is known that the occupants of the judgment seat regard mercy to the guilty as an outrage upon the innocent.

The present Sessions, we are informed, will exhibit a very considerable apparent increase of crime—but when you come to investigate the causes of that increase, you will perhaps find that in very fact it forms no exception to the general truth of the observations we have already made. The larger number of the

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cases, you will be called to pass upon, will be found to owe their development not so much to mere individual, as to aggregate, action. The offences charged, for the most part, are such as owe their origin to the late stoppage of the canal by a breach in its bank, near this place, and to the consequent gathering together and continued idleness of a very numerous body of persons employed as boatmen, drivers and the like, on the navigation. Riot, Resistance of the officers of the law, Rescue and Conspiracy—the forms, that their alleged offences, with one unhappy exception, are charged to have taken—you will readily perceive, when perpetrated in the face of the power of the county, must have been generated in the heart of a multitude, encouraged and emboldened by numbers, by common passions temporarily directed in a given way, and perhaps by real or fancied common wrongs. Crimes are none the less crimes, because they happen to be committed under such circumstances, and we only allude to these circumstances, as tending to satisfy our minds that the ordinary criminal business of the County is not materially increased at this Term. But for the difficulties upon the Navigation, and the violations of the law, alleged to have proceeded therefrom, there would be nothing to occupy us beyond three days. It is a great satisfaction to us, as it doubtless will be to the County, to know, that, although the Court may be occupied much beyond that time in disposing of the business on hand, our increase of labors is not attributable to any deterioration of the morals of the County. Crime is not increasing among its resident population.

Before we proceed to instruct you directly upon the nature of the principal crimes and misdemeanors, which will be brought to your consideration by the bills and by the evidence submitted to you by the Attorney General, we deem this a proper time and occasion, to offer some observations upon the duties and powers of a sheriff, as the guardian of the public peace within his county. Recent and former occurrences in this neighborhood seem to render an exposition of the law on this subject, in this formal manner, by this Court, necessary, in order to correct some misapprehensions, which seem to have got possession of the public

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mind, in regard to the powers of the Sheriff, and to the duties of the citizen, in suppressing disturbances, actual or apprehended, of the peace of society.

The sheriff of each county is, within its limits, the keeper of the peace of the Commonwealth—and this charge he derives from the common law and from the express words of his commission. This is the highest and most sacred charge of his office, involving, as it is said by Sir Edward Coke, the very life of the republic! His other duties, of serving process and making execution, important though they be, sink into insignificance, when compared with the transcendant one of maintaining unbroken the quiet of the people and of upholding unimpaired the majesty of the law. Rightly considered, this duty is one of awful responsibility—awful, when it is remembered what might and power are necessarily committed to his hands, wherewith to make his responsibility respected of men. That might and that power, however, are so rarely exhibited in their sternest developments, that like the potent agencies, which slumber in the winds and in the waters, we think not of their existence, indeed forget it, in the long years which glide by us, unmarked by storm or flood. And so with these powers of the sheriff—one generation of men follows another, whose days on earth have been passed in that holy loyalty to the republic, in that prompt, unflinching, more than Greek or Roman obedience to the law, which is the chiefest glory of the true American—and thus it comes to pass that in half a century of time, undisturbed in its flight by rebellion or forcible resistance to the law, men forget, or remember only as a vague tradition, the powers with which society has invested its chief executive legal officer for its own preservation.

Let us look for a moment into the commission of a sheriff and observe its form, bearing in mind that in that form, which has descended to us through hundreds of years, substantially unchanged, is preserved the whole energy and spirit of the common law, touching the duties and powers of this officer in this behalf. The commission to the sheriff is issued "in the name and by the authority of the Commonwealth of Pennsylvania,"

the sovereign power to which every citizen owes allegiance, and every resident of the republic obedience. We have substituted for the personal sovereignty of the King, the incorporated sovereignty of the People—and so it is the highest majesty known to the constitution and the laws, which, speaking in the commission, commits " the county of Northampton, with the appertinences, and the peace within the same, to the care and defence " of the sheriff thereof. In the modern English patent, which seems to be a literal translation of the Latin form used in the days of the Henrys and Edwards, the King commits to the appointed sheriff " the custody of our county of N. with the appertinences "—a shorter mode of expression than that used here, but one which points with equal directness to the great primary duty of the sheriff. The sheriff is the chief keeper of the peace of the Commonwealth however, independently of the form of words used in his patent of office—that character attaches to the office by the Common Law, and the commission need express no more than the fact, that he, to whom it is addressed, is the sheriff of the county. It is merely the evidence of that fact—and any thing beyond is simply surplusage—a surplusage which evinces under either form of expression, that used in the Pennsylvanian or in the English commission, the constant understanding in both countries, that the sheriff is the guardian and defender of the peace within his county.

The word peace, which we have thus far been using, you will of course understand, to have been used in a technical sense.—Every offence, criminally punishable, that is committed, or that is so far attempted to be committed, as to render the attempt punishable, has, from the very earliest ages of our law, been said to be perpetrated against the peace of the sovereign power, in whatever form that power existed by the organic law of the state. And hence it is, that every bill of indictment must conclude *contra pacem*, against the peace, of the King in England —of the Commonwealth here, by the express direction of the constitution itself. Now it is of this peace—the repose and security of society, represented by King or Commonwealth, as it may be—that the sheriff is the protector. Although the sheriff

may, and indeed is bound, *ex officio*, to pursue and take all traitors, murderers, felons and other misdoers, and commit them to gaol, for safe keeping, that is a part of his duty, as the keeper of the peace of his county, which in process of time has fallen into neglect, and practically is now never performed by him. It is to be lamented, we think, that the sheriff has ceased to be the acting head of the police of his county—for that body, to be efficient, requires organization, and the energy which is always inspired, and the fidelity which is generally insured, by responsibility to an immediate and ever present local superior. But so it is, and it has come to pass that the supreme civil power of the sheriff is now only invoked in very grave emergencies, in which the public peace is seriously compromised by acts of violence committed, or attempted, or it may be only threatened, by a multitude of men.

For meeting these emergencies, however, he possesses powers of the amplest magnitude and adequacy. The law has not confided to him the great charge of his county in vain—the law never imposes a duty upon its officers, for the complete performance of which it does not invest them with all necessary means and powers. With his commission there is issued to the sheriff a writ of assistance, under the great seal of the Commonwealth, directed to "all judges, justices, magistrates and other officers, freemen and all other persons whatever within the County, (of Northampton,) requiring and commanding them that, to the said sheriff, they be aiding and assisting in all things that to the said office of sheriff for the County aforesaid do or may in anywise lawfully belong." This is a common law writ, apparently of the highest antiquity, and is perhaps the direct warrant which places in the hands and at the disposal of the sheriff, the whole power of his county. It may be that without this writ he might raise the county, but in England, since the duties of the sheriffalty have been remodelled by *Stat.* 3 *and* 4, *William IV*, *c.* 99, and this writ is there no longer issued, the opinion seems to be, that without it there can be no recourse to the power of the county. Be that however as it may, here the sheriff has the writ of assistance, and may have re-

course to whatever rights it confers upon him, or to whatever duties it imposes upon those named in it, of aid and assistance in all things in anywise lawfully belonging to his office. Now the power of the county, which he may raise, as well to overcome any resistance to his own lawful discharge of duty, as to quell any riot, insurrection or rebellion, is what is more familiarly known as the *posse comitatus*. Whether the recourse may be had to this, only by virtue of the writ of assistance, or independently of it, at common law, is immaterial—his right to call its services into requisition, whenever he deems it necessary so to do, and of that necessity he is the judge, is, beyond all doubt, absolutely unquestionable. And if he fails to do his duty on a proper occasion, he is criminally responsible as for a misdemeanor in office.

The *posse comitatus*, which is thus placed at the disposition of the sheriff, consists in Pennsylvania, as we apprehend, of all the able bodied (white) male inhabitants of the county, who are above eighteen years of age. At common law in England, it consisted of every person above fifteen years old, and under the degree of a peer. If the power to raise the *posse* in England depended upon the writ of assistance, it is singular that peers should have enjoyed this exemption, for they are specifically addressed in that writ of all degrees, and of both kinds, spiritual and temporal. Why the age of fifteen was fixed as that, at which liability to be summoned of the *posse* began, is not at this day very certain. It is probably derived from the custom prevailing in the early and barbarous times among the Teutonic nations, by which at that age the youth received a sword, shield and lance, in some public meeting of his people, and from thenceforth became his own master. He was deemed fit to bear the fatigues, and to encounter the dangers of war—and so, that being the truest standard of manhood in a society in which war was deemed the only worthy occupation of a man, he was admitted to equal participation in all the rights of the freemen of his nation. From this source, doubtless, sprang many of the rights, privileges, and liabilities at common law of young men about that age—and though in this Commonwealth, most of them have

been taken away by various acts of Assembly, we still find an occasional faint trace of them in our common and statute law. The liability to join the *posse comitatus* at fifteen, being founded on some ancient usage, like that adverted to, is a common law liability, which of course may be moulded to suit the changes of society. With us the age of eighteen has ever been that at which all able bodied white male persons, who have resided one month in the state, have been held liable to the performance of military duty—and we would say that eighteen, being the earliest age designated by our written law, at which the citizen or the resident can be called out for the military defence of the country, is also the earliest age at which he can be called out for what may be termed its civil defence. It may be that the sheriff in this state, has still a right to summon on this service every person above fifteen years old—we would by no means deny it on this occasion—but we think it would be more in accordance with the sense of the people and the analogies of the law, not to summon persons of an age less than eighteen. Were we ourselves acting as a sheriff, we would summon none under the age of twenty one—of manhood complete for every purpose and liability known to the law.

There is no particular form of summons necessary to be observed in raising the *posse comitatus*. All that the sheriff has to do is, verbally, or if he pleases, in writing, to notify the person to attend him in the execution of his office, at a given time and place, within the county. He cannot convene or lead the *posse* out of the county. There is no necessity of showing the person so notified any writ or commission—all that such person has to do is to obey the notice, given in whatever form it may be, by the sheriff in person, on pain of fine and imprisonment for neglecting so to do. If the sheriff employs his deputies in this business, which he has a perfect right to do, it would be well to furnish them with formal deputations and warrants, which they should show to those summoned, as being their authority for the act of summoning. The people have a right to see the authority for summoning them upon this duty, if they demand to see it, when exercised by any other than the sheriff

or a magistrate, but of his authority, in this particular, which attaches to his office, when exercised by himself in person, men will take notice at their peril.

It is said, that the sheriff should not raise the *posse* unless resistance is first shewn. That proposition, however, as we appehend, is unfounded. Indeed by the statute 13, Edward 1st. 1. cap. 39, an act which forms part of our legal system, and which applies only to writs of execution, it is provided, that "as soon as the sheriff's bailiffs do testify that they found resistance, forthwith all things set apart, taking with him the power of the shire, the sheriff shall go in proper person to do execution." Here the provision is express, and under it resistance renders the resort to the power of the shire or county an imperative duty.—He *must* raise the *posse* when resisted in doing execution, which he was not required to do before that statute—but if resisted in executing mesne process, he *may* do so or not at his discretion, not being compelled by the stringent command of any law. And yet there is nothing in this to prevent his raising the *posse* in anticipation of resistance to his execution of either mesne or final process—there is no limitation of his power in this respect. When it is said therefore, that the sheriff should not raise the *posse* unless resistance is first shewn—nothing more is intended than that, as in executing final civil process, it is not requirable of him to raise the *posse* before resistance, and as in executing mesne process, it lies within his mere pleasure to raise it or not—recourse should not be had to the *posse* without adequate cause. The resistance *apprehended*, should be such as to justify the call upon the people for their aid and assistance—but he is by no means bound to wait until that resistance is actually made, and the law is in the first instance successfully defied.—The resisting of the sheriff in any discharge of his duty is a breach of the peace and a misdemeanor, and there can be no doubt as to his power to command the assistance of the people, not merely for suppression, but also by way of prevention, in all such cases. Of course the sheriff would not raise the *posse* to quell the apprehended resistance of two or three persons, or of any number that he could readily quell with a few of his bailiffs—

but when the resistance is expected to assume a character of popular combination and to organize itself on the basis of advancing some object, in which many have a real or supposed interest, or feeling, or grievance, there the sheriff should have instant recourse to his *posse*. In such a case, as was last supposed, it would be the heighth of folly, to yield to resistance before resorting to the display of force. It would but embolden the lawless spirit and render the after-attempt to curb it, almost necessarily a work of blood and death. The officers of the law, under such circumstances, should never attempt the execution of their duties, without a power at command equal to any probable emergency of resistance—that power indeed should be more than equal to that, it should be such as to place the issue of any conflict beyond all doubt or peradventure. For society striking in its own defence, which it is most emphatically doing, when enforcing obedience to the law, should never strike in vain. Inadequate force only invites to conflict—whilst that display of it, which renders conflict hopeless, thereby almost certainly prevents its occurrence.

Of course, if the sheriff may raise the *posse comitatus* in cases where he merely apprehends resistance of the execution of civil process—mesne or final—he may with equal propriety raise it for the purpose of preventing the perpetration of any other criminal purpose, entertained by any body of men, who in his judgment cannot be prevented from effecting such purpose by any less efficient means.

That the *posse comitatus* may be armed with deadly weapons, admits, as we think, of no doubt—although we are aware, that doubts have been expressed on this subject, by very respectable persons. If a riot be general and dangerous, private persons, without the presence of any civil officer whatever, may arm themselves against the evil doers to keep the peace. They may in fact take every actual step of prevention or suppression, that the sheriff or a magistrate could take. Doubtless "it would be more discreet, as was said by all the judges in 'the case of arms,' (Popham, 121,) for every one in such a case, to attend and be assistant to the justices, sheriffs, or other ministers of the King in doing this." But in the words of a late eminent Chief Justice, of the King's Bench, Sir *Nicholas Tindal*, "if the occasion demands immediate action, and no opportunity is given for procuring the advice or sanction of the magistrate, it is the duty of every subject to act for himself, and upon his own res-

ponsibility, in suppressing a riotous and tumultuous assembly, and he may be assured that whatever is honestly done by him, in the execution of that object, will be supported and justified by the common law. He may endeavor of his own authority, and without any warrant or sanction of the magistrate, to suppress a riot *by any means* in his power—he may disperse, or assist in dispersing, those who are assembled: he may stay those who are engaged in it from executing their purpose: he may stop and prevent others, whom he shall see coming up, from joining the rest: and not only has the authority, but it is his bounden duty, as a good subject, to perform this to the utmost of his ability." The doctrine, here laid down, is unquestionably law in this country. And if the private citizen, acting on his own responsibility, may have recourse to arms, for compelling the peace, or preventing its breach, on occasions of general or dangerous riots and the like, certainly the *posse*, acting under the direct authority of legal officers, may have the same recourse. It is desirable that there should be no misapprehension on this subject—because the entertaining of idle doubts of this nature has more than once paralized timely efforts to suppress riots in their inception, and so has rendered the subsequent efforts, of necessity, most destructive of human life. To ensure the public peace, and the supremacy of the laws, they who take its vindication in hand, on the instant, as volunteers, or they who take it in hand, under the direction of the civil officer, may use whatever weapons will effect that purpose.

Having happily no standing army in this country, whose energies can be relied upon in these emergencies, our only reliance is upon the *posse*. Now, though we have no army, we have a great body of well armed, well disciplined citizen soldiers, who not merely on this kind of service, but in many a well fought field, have established an honorable renown for conduct and for valor. As soldiers, embodied as they may be, in companies, in batallions, or in regiments, they are subject only to the orders of their proper military officers—but as citizens, these soldiers are individually subject to the summons of the civil officer. It is only in this quality that their services can be commanded. When, however, they are so commanded, they may be required to come to the assistance of the sheriff armed. If they please, they may come in proper military array, and it is better that they should so come, as organization gives to the disciplined few an incalculable advantage over the rude raw levy, numerous as it may be, of any riot. Volunteer soldiers, who are at once the glory and the safe-guard of our country, are never employed upon a truer field of patriotism and honor, than when they bring their courage, their discipline, and their devotion thus into the public service. It is doubtless a terrible thing

to be called upon to restrain, by arms, the parricidal madness of those, who lift their hands against the country—the common mother of them all—but the bitter agony of the duty renders its performance heroic. The first sacrifice of the Roman Republic was of the young Brutus, by his father. All after time has pitied the father, but applauded the judge. His act has become the immortal example of the loftiest patriotism. Republics exact this stern discharge of duty. It is the *conditio sine qua non* of their existence.

To day the embattled array of citizens smites down resistance to the law with the sword—to-morrow that array is dissolved and scattered through all the pursuits of peace. It may be that father has stood against son—brother against brother—friend against friend—and that their hands have been dyed in each other's blood. The sense of duty, which can bring men thus to take up arms, and thus to lay them down, is the very soul of self-government—without which a system, such as our's, could not exist for a single year.

There is no limitation of the number of persons the sheriff may summon on the *posse*: within the limits of his county, all are bound to attend him, and he alone is the judge of the force requisite for any given exigency. No man can shelter himself from his liability to fine and imprisonment, or either, at the discretion of the court, upon conviction for refusing or neglecting to attend when called upon, by alleging that the number summoned was vexatious and oppressive. No excuse of business—no conscientious scruples—nothing short of downright inability from sickness, or other physical cause, will avail the person who fails of his duty herein. And not only must those summoned obey, but, that there may be no mistake on that head, it may be well for them to know that they have no right to pay for their services, either before or after performing them. Nor can the sheriff obtain reimbursement of his expenses on such occasions. It is one of the *onera* of his office, of which, as he enjoys the benefits, he must also endure the burthens. In the extreme peril of society, which is always implied by the legal recurrence to its elementary strength for safety, it is considered that in discharging the duties of the *posse*, the sheriff and the people are but vindicating the integrity of those institutions, by virtue of which alone men can enjoy any legal rights whatever. In that array of the shire, men stand out *pro aris et focis*, for their altars and fire-sides, for the defence of what is nearest and dearest to their hearts. Society puts forth its great inorganic strength to save itself from the desperate madness of the rioter, the rebel and the traitor. Men are called upon from all the ranks of civil life, to make good the compact, which binds society together, in securing peace to the many, by quelling the turbulence of the few,

and society does not pay them for their services, any more than men are paid for performing their natural duties and obligations. And we will find that there is nothing severe or unjust in this, if we but raise our minds to take a patriotic view of duty, and reflect for a moment that this *posse comitatus* is to a large extent the safeguard of our liberties. For rest assured that when from the indifference of men to performing its duties, life, property and opinion become insecure of enjoyment, as in that event they must become, recourse will inevitably be had to the permanent protection in the first instance of an armed force, and then finally and certainly to that of some stronger form of government. Of the ease with which that transition is made, history is full of examples. This institution of the common law, deep buried below all constitutions and statutes, is the very root of that goodly tree of liberty, under whose shade we repose in such a fulness of political blessings as the history of the nations cannot parallel. By this institution the acting, ultimate, peace preserving power of the state is the people, and so long as they remain true to themselves in upholding it in vigour and in efficiency, they will remain free and happy—but when they shall transfer the power of enforcing obedience to the laws to other than their own hands, the republic will have entered, and made fatal progress, upon its downward career.

Gentlemen, these observations upon the powers and duties of the Sheriff and of the people, in suppressing or preventing breaches of the public peace, are made in the solemn discharge of our duty to the people of this county. We wish that they could enter into the hearts of those to whom they are particularly addressed. The suburbs of the first city of this commonwealth seem rapidly to be verging towards a state of anarchy —and occasionally in other quarters the wild and fearful spirit of popular, and even successful, defiance of the law raises its horrid front. It becomes the people to ponder well on this tendency—it is right that they should be informed precisely as to the means provided by law for resisting its open manifestations. At present these means are amply adequate—but unless, as the occasion rises, they be promptly, energetically and decisively used, the day will come when they will be found to be entirely inadequate, and when the conservation of society will require a fatal change of its governmental structure. Let it however be understood that riot, resistance to the law, rebellion, or whatever other form the crime may take, will be at once fearlessly met and pitilessly crushed, at whatever cost of human life may be necessary, and these crimes will thenceforth forever cease to disturb the repose or to endanger the being of society. Let no officer of the law hesitate to do his duty—his whole duty —in upholding its supremacy, well assured as he may be, that

a great error, in the right direction, will be more leniently regarded, than the smallest in the wrong. Engrave you it upon your hearts, and upon the hearts of your children, through all generations, that the life of this Republic depends upon preserving its internal as well as its external peace, by means of the people themselves, and that when they fail in that duty to themselves, the republic will be near its end. The frequency of riots and of resistance to the execution of the law, the almost entire impunity of these offences, throughout the length and breadth of the land, should admonish us, whilst it is yet time, of the danger towards which we are hastening. Let the people think of these things—let them in their calm and serious reflections consider whither the advancing spirit of lawlessness is tending—and their stern patriotism, once aroused by those thoughts, will avert the calamities which are already darkening the future.

In conclusion of this charge, we will now proceed, gentlemen, very briefly to present to you the legal definitions of those offences which will most prominently occupy your attention.—The experience of some members of your body, acquired by former service upon the grand inquest or in the commission of the peace, renders it unnecessary to enter very minutely into details of instruction. If you should require any special information, you may have recourse to the Attorney General or to the Court.

(The Judge then proceeded to charge the Grand Jury upon particular bills that were about to be laid before them, and upon the general nature of their duties. Having charged upon the offence of Assault and Battery—he proceeded as follows:)

With regard to the offence of Assault and Battery, we say, that one-third of the cases, that are returned to this Court, should never have been permitted to pass beyond the jurisdiction of the magistrate. They are cases, in which the breach of the law is of so doubtful a character, or in which a few seasonable honest words of advice would so certainly reconcile the parties to each other, or in which the threat or gesture was so idle and unmeaning, that we cannot imagine how an upright or intelligent magistrate can send *such* cases here for trial. But here they are sent, and here, in one way or other, they must be disposed of. Now when it is remembered that the Legislature has assigned but eight weeks in the year for the session of all the courts of this county, it is obvious that the time of these courts ought not to be occupied with other than the consideration of real, substantial wrongs, for it is certain that every flimsy surety or assault that is heard at this bar is only heard at the expense of some widow or orphan, or of some long delayed and disheartened

suitor in the civil courts. Every hour wasted upon these bootless controversies, is an hour stolen from the mass of urgent business, that is pressing upon this court. These are matters that the people should know, for it is the time of their courts, that is being thus wasted; and if they discover any particular magistrate, prostituting his office in the manner complained of, it is for them to apply the remedy. Such magistrate is but their servant, responsible directly to them for the discharge of his official duties. We hope that it is only necessary to speak of this matter in this general way. The great body of the magistracy is, we believe and know, capable and honest—and we are unwilling to entertain the supposition that any one of that respectable body has erred in the premises through other than mere ignorance. If so, we feel assured that this complaint of the Court will effect our object, and he, who has erred in that way, will, upon having his error brought to his notice, endeavor to reform his practice.

In the meanwhile however the grand jury and the court can do something in their respective spheres to restrain the increase of small criminal business: you, by the exercise of a sound discretion in passing upon bills—we, by the exercise of a wholesome severity in punishing those convicted before us. It will probably often happen in the course of your investigations that you will find that charges have been preferred on very trivial grounds, *by* persons of an idle and depraved character, *against* others like themselves, between whom the injury inflicted upon person or upon feelings is really a matter of very little account. In every criminal court, the purlieus of a large town will generate a numerous body of suitors of this description. It is our duty to discourage their increase by all the means in our power. When you have prosecutors from this class before you, whilst you deny rigid and impartial justice to none, it would be well to see that the evidence of the prosecution fully and entirely satisfies you that the wrong complained of should be submitted to the action of a jury in this court. It is true that all men are equal before the law and that its protection should be extended over all alike, but where depraved, quarrelsome persons are constantly thrusting themselves before the court, consuming the time and money of the people in the investigation of their miserable breaches of the public peace, it may be wise and well for the grand inquest, upon all proper occasions, to interpose its restraining negative and to check their propensity for strife. Where you think that a bill is unworthy of being sent hither for trial, we trust that you will unhesitatingly ignore it. We do not mean that you should lay your hands upon any clear, well defined, proof established case, but only upon those where you may reasonably and fairly entertain doubts.

Northampton. Ap. T. 1850

On an application of Coroner Micke to the Court for compensation, for services in holding an inquest, the court directed the bill to be paid, when his Honor Judge Jones took occasion to offer a few observations for the guidance of the Coroner, in holding inquests.

He remarked that there was some doubt as to the propriety and indeed as to the right of holding them in certain cases, which it is desirable should be resolved.

~~First.~~ An inquest should be held upon a body in every case where death is the manifest or suspected result of felonious, murderous violence—and, that whether the violence proceeds from the hand of another, or from the hand of the deceased. Every violent death of that kind should be inquired into, for the Commonwealth, which is the guardian of all our lives, has a right to know, and ought through the proper officer to be informed of the means, by which a citizen comes to an untimely, violent end.

A rumor, of a death having been caused by such violence, coming to the Coroner through honest men of the Country, is ground enough for him to act upon. He needs no oath, as a prerequisite, to enable him to do what appertains to his office.—He may enter any house, or he may enter any burial place, and possess himself of the body of the deceased, for the purpose of holding an inquest thereupon. Whosoever resists the coroner in performing the duties of his office incurs grievous penalties. And so too does the Coroner incur such penalties, who, being commanded by the officers of the Commonwealth, or by honest men of the county, refuses to inquire forthwith into a case of slaying—of death by real or suspected felonious violence.

A second class of cases, in which an inquest should be held, is that of those who die in prison. The common law enjoins the duty of holding an inquest, that it may be seen whether the prisoner so dying has been fairly and humanely treated by his gaoler, and the gaoler should send for the coroner, when a death happens in his prison, because it may be possibly presumed that the prisoner died by the ill-usage of his goaler. In some counties the inquest upon prisoners is dispensed with, except in cases of murder, suicide, manslaughter or deaths caused by casualities. Those special laws do not extend to this district.

Inquests should be held when bodies are found dead in the water, in the fields, in woods, on the highways, or in other such unusual places, and that, whether those bodies exhibit marks of violence or not. If the body is not known, it should be examined with great care in order to be enabled to identify it—all marks, and scars and peculiarities about it should be noted and recorded in this inquisition.

Inquests should be generally held when death results from accident—at least in every case where there is a possibility of the accident being imputed to the negligence or indifference of another. Thus, there should be an investigation in such cases as result from the explosion of steam engines, from riding or driving over another, and from the like causes.

It has been held in former times, and has been partially practised upon to this time, that in all cases of sudden death, there should be an inquest. Upon this Lord Hale is of opinion that if one, who dies suddenly of fever or apoplexy, is buried without sending for the coroner, the township shall not be amerced, which it would have been, if it had been necessary to send for that officer. But, he goes on, if it be an unnatural or violent death, then indeed if the coroner be not sent for to view the body, the town shall be amerced, 2. H. P. C. 57. The distinction is plain. Cases of sudden death are not to be investigated, merely because they are cases of sudden death, but only when they are accompanied by circumstances of doubt and suspicion. The rule is laid down very broadly and properly, as we think in the case of Rex vs. Justices of Kent, 11 East. 229, to the effect, that coroners ought not in general, when a party dies by the visitation of God, as from apoplexy and the like, nor in any case, unless a very doubtful one, unnecessarily to intrude themselves into private families for the purpose of instituting inquiry. Murder can hardly be cloaked from the eyes of neighbors and friends under the form of apoplexy or any other shape of natural sudden death. The suspicion of a neighborhood, easily excited, tracks murder with wonderful sagacity. There is therefore nothing to be apprehended from withdrawing this class of cases, where they are not involved in suspicion, from the jurisdiction of the coroner.

In the city and county of Philadelphia, the practice of the coroner in holding inquisitions in these cases grew to be an evil of

Public Ledger, 7. Feb. 1854.

such magnitude, that the passage of an act was procured in 1845, declaring that it shall *not* be the duty of the coroner of that county to hold inquests unless the deceased shall have died of violent death, and that if he does hold an inquest in any other case he shall not be entitled to compensation therefor. The very passage of this act, local though it is, shows what is the feeling of the legislature on this subject, and that is always to be respected. The act perhaps goes somewhat too far. We think that every case of suspicion—reasonable suspicion, should be investigated—and that no obstacle of legislation or construction should be put in the way of the office.

If a coroner will persist in holding inquisitions upon ordinary cases of sudden deaths, not doubtful or suspicious, the commissioners may perhaps proceed against him by indictment for vexations and oppressive exercise of his office. The better remedial way perhaps would be to require the coroner by law in such cases, to send up with his inquisition, the call upon which he acted and the evidence, and to give this court power to pass upon the whole question of his compensation, as has been done in the act authorizing justices to perform the duties of the coroner in certain cases. The objection to that is that by thus limiting the judicial discretion of the coroner, he may become averse from acting in cases where he may possibly incur a pecuniary loss. The law should not be lightly altered in this particular. As it stands, the coroner can be very effectually controlled.

The opinion of Mr Binney is inserted opposite because the high authority of his name confirms the views I had previously taken.

LOCAL AFFAIRS.

Coroner's Duties.—Many of our citizens are led to complain of the unnecessary delay and inconvenience attending the holding of inquests on bodies. It is alleged that frequently the Coroner is not to be found at his residence, which he has advertised as his office, and inquiring parties are there referred to other places, where frequently the search for the Coroner is equally as unsuccessful. There seems to be no system in the Office nor records that may be seen for the satisfaction of persons interested, or for the purpose of giving publicity to facts proper to be known by the public. It is alleged that in many instances, inquests are held upon bodies where no actual necessity exists, and contrary to the spirit of the law defining the duties of the Coroner in particular cases.

A recent difficulty between the Coroner and the Board of Directors of the Pennsylvania Hospital, in reference to his right to hold inquests in certain cases of death in that Institution, has brought out an opinion given by the Hon. Horace Binney, in the year 1840, upon the subject of the duties of the Coroner in the cases occurring or likely to occur in the Pennsylvania Hospital.

Mr. Binney says:—

What the practice of Coroners in this county has been, it is not easy to say, nor should I place much reliance upon it whatever it may have been, since it has been substantially *sub silentio*, except in the few cases in which their inquests have implicated living persons criminally, none else receiving judicial notice; and in such cases the Coroner's jurisdiction is undoubted. It is an office particularly liable to irregularities, from the fact that few persons care to investigate the claim of jurisdiction, since the County pays for its exercise. I do not entertain the opinion, however, that the Coroner can have any jurisdiction by practice, that he has not by the settled principles of law.

Having a view then to the class of cases occurring or likely to occur in the Pennsylvania Hosital, and advertising to the wish of the Managers to have an expression of my opinion upon the Coroner's jurisdiction in such cases generally, I state it as follows:—

1. In regard to persons who have suffered recent injury from violence, and are brought at once into the Hosital, and die there suddenly, in the plain sense of that expression, I advise them that the Coroner has jurisdiction, and that they should give him notice of the death a reasonable time before the interment.

2. In regard to such as may be brought there, who have been wounded, that is to say, stabbed, or shot, or cut, or beaten by another, and shall afterwards die, I advise the Hospital in like manner to give the notice, and to submit to the Coroner's jurisdiction, without regard to the time that may elapse before death.

3. But in regard to cases of accidental injury, broken limbs, burns, bruises, and the like, where the patient does not die suddenly, but lives days or weeks, and then dies from fever, inflammation or other morbid affection caused by the injury, and where there is no ground of reasonable suspicion that the injury involves any person in criminality, I advise that the Hospital is under no obligation to give notice of the death to the Coroner, and that the Coroner has no right to hold an inquest on the body.

4. In case of sudden death by apoplexy, and the like, among the patients in the house, there being no cause whatever to suspect violent and unnatural means, the Coroner has clearly no right to hold an inquest, and I do not understand him to assert such a right.

The office of Coroner in a county like ours is an important one, and its duties should be performed with a due regard to private feelings and the interests of the public. It is necessary that an office should be kept by him in a central location, and if required, one or more sub offices established, where the Coroner or his deputy can be readily found, or information given and obtained. The Legislature at its present session should make perfect the law in relation to the office of Coroner.

Court Proceedings.

In consequence of the indisposition of A. H. Reeder, Esq., there was but a single cause tried the second week of our Court. It was an appeal from a Justice of the Peace. Thomas Dech, Plaintiff, and Stephen Rader, Defendant. Plaintiff's claim was for seven cords of wood, at $2 per cord. Defendant alleged that he got but five cords, and the question was, whether he bought it by actual and proper measurement, or at the rate the corder put it up, making it about seven cords; and there was a good deal of evidence pro and con on the subject. The whole difference was $4. Whilst the cause was going on, one of the bar, who sometimes indulges in doggerel lyrics, penned the following account of the trial. The Defendant had tendered $10, which he admitted to be due. The Plaintiff claimed $14. The jury found for Plaintiff $12.25. G. W. Yates for Plaintiff, M. H. Jones for Defendant.

Dech brought an action,
A wooden transaction;
He says, Rader got
A very good lot
Of hickory and oak,
The kind he bespoke:
Rader says it is true
He got the wood too,
But not to th' amount
That Dech tries to count.
So on came the cause
To be tried by our laws.

Says the Plaintiff's attorney,
To Rader, I'll learn ye
To stick to your bargain,
Altho' it's a hard one.

Says our friend Matthew Hale,
We will never turn tail,
To the thing we agreed;
And a tender we plead
For all that we owed
And we got but five load,
While you charge for seven;
So I think we are even
And now as we've made out
Our case;—Dech is laid out.

Says our friend lawyer Yates
We sold not by rates
We dealt by the lump
And fixed the price by a jump.
Says the Judge to the jury
My friends I assure yo
This case is a small one
But is tried like a tall one.
You must therefore proceed
To find how they agreed:
If for seven cords of wood
Or the price as it stood.

The Jurors looked solemn
And marched out in column
To their room they then hastened
The door being fastened,
They then gravely pondered
Whilst folks below wondered
How soon they'd come down
And enlighten the town
With their verdict for one or t'other,
Aud thus end the pother.
Now the jury soon hit it
As 'twas *wood* they could *split it*
With beetle and maul,
And try to please all.
As Division they knew,
They cut *four* in *two*:
They thus ended the fix
By giving Dech six—
To make matters even
Betwixt *five* and *seven*.

The above piece of pleasantry was scribbled off at the counsel table by Col: James M. Porter. who, whilst he loves a law joke, is also equal to the weightier Matters of the Law.

Northampton & Lehigh. Nov. 18. 1850.

Noble Charge of Judge Jones.

The Hon. J. PRINGLE JONES, took occasion last Monday morning, to address the Grand Jury of this county, in relation to the duty devolving upon them in relation to the small note law, and spoke at the same time of the fugitive slave law, the passage of which is causing so much unnecessary excitement in every part of the North. The noble stand taken by the Judge in favor of the laws and constitution of the land, are honorable to him as a man and a Judicial officer and prove him to be an honest, law-abiding patriot. At such a time as this, when the federal papers, with some honorable exeptions, are crying out "repeal"—when political parsons desecrate the Church and the pulpit by recommending the observation of a "higher law" than the constitution—when emissaries are sent over from England to divide and distract our people, it becomes the duty of every public and private citizen, to rally to the standart of the Union and aid the supremacy of the laws. Law and liberty go hand in hand and without a sacred regard for the law, our liberties will soon be crushed. The remarks in regard to the small note bill are but an extract from the charge:

You will observe that the Legislature imposes upon you, under the solemn sanction of your oath, the duty of *making presentment* of any person within the county who may be guilty, directly or indirectly, of issuing, paying out, passing, exchanging, putting in circulation or transferring, or of causing it to be done, any bank note, note bill, certificate, or any acknowledgment of indebtedness whatsoever, purporting to be a bank, or of the nature, character or appearance of a bank note, or calculated for circulation as a bank note issuing or purporting to be issued by any bank or incorporated company, or association of persons, not located in Pennsylvania, of a less denomination than five dollars.

The making of a *presentment*, strictly speaking, is the origination of a criminal proceeding by the Grand Jury, upon their own direct, personal knowledge or observation, without any bill of indictment being laid before them. You have no power to institute a prosecution by way of presentment in any other way than upon your own knowledge—you cannot call witnesses before you, from beyond the limits of your body, to aid your own information. Any fact, constituting any offence, as well within this act, or any other, or at common law, being known to twelve of you, would warrant a presentment of such fact to the court in sitting, upon which it would be our duty to direct a bill to be framed by the District Attorney. That is what is meant by a presentment, and that is the course of proceeding upon it. Drawn, however, as you are from the body of the county, living remote from each other, it is most improbable that you will be called upon to make a presentment of an offence of any kind.

Should any bill of indictment be laid before you, charging the commission of any offence under this act regulating banks, you will proceed with it as with any other bill, and, if the evidence sustains the charge, you will of course find the bill a true bill. Whatever may be your private individual notions of the policy or impolicy of the law, you will not, as good and liege citizens, we are absolutely confident, permit those notions to interfere with the discharge of your duty. You cannot do so, without taking upon yourselves a responsibility, from which, as honest men and lovers of your country, you would recoil in horror, upon giving the subject a moment's reflection. If that Grand Jury is at liberty to set at naught this law—each traverse Jury may find it convenient te some prejudice or passion, to disregard some other law. Courts may take the infection. Examples of this kind, once set, operate with fearful potency, striking in every direction. Disregard of a law, publicly proclaimed by a body like a Grand Inquest, weakens the regard of men for all laws. Society is not like the fabled hero, whom death could only reach by striking him upon the heel—it is vulnerable over all its body, and wherever it may be wounded, death may enter.

I know, gentlemen, that along this whole upper Eastern frontier, this law regulating banks, at least so far as regards these two sections, meets with little popular favor. The business relations of the river towns, with the opposite state of New Jersey, in which the paper currency is for the most part of a denomination smaller than five dollars, and in which consequently by an inevitable law of currency, the precious metals are banished from circulation to an extent greater than the demands for mere change—the business relations of these towns with that state, I have no doubt are seriously affected. The derangement of those relations however, will be but temporary. The elastic, buoyant spirit of trade and commerce may sometimes receive a check in a country like this, but it seems to gather only new strength from an occasional restraint—if one of its accustomed channels is obstructed, the genius of the American Merchant and trader will forthwith find or make, a new one He will not set the terrible example of disobeying a law, merely because it conflicts with his private interest, when he reflects that obedience to the law is the single absolute condition of government in this country.

While addressing you upon this subject, required so to do by the law, it has occurred to me that it might not be inappropriate to the place or to the occasion to say a few words to you in relation to another subject which is largely engrossing the popular attention and feeling all over the country, and in regard to which the most infamous and flagitious appeals are made to the people, urging them in the name of God, of Religion and of humanity to disregard a solemn supreme law of the land. The small note law is supposed to conflict with your interests — the fugitive slave law, we are told by those hostile to it, conflicts with the rights and duties of conscience. Thus the lowest and basest, as well as the highest and holiest. inclinations of the human heart may be used to lead men astray from the plain, straight-forward, heaven appointed path of legal duty.

The fugitive slave law, gentlemen, is one of that series of measures, devised by the wisdom of Congress, at its late session, to restore that harmony and good feeling which ought to subsist between the several

states of the Union, but which unhappily had been disturbed. Whether that disturbance was upon grounds of real or fancied wrongs, is immaterial. It is enough to know that it threatened the peace if not the very continuance, of the Union, and that this law was passed as one of the great remedial measures, required by the exigency of the times, no less than by the very terms of the constitution itself.

You know that the constitution allows the owner of a fugitive slave to recapture him in any state of the Union. Without that constitutional guaranty the owner would have no such right; without it, the states would stand upon their sovereignty, and neither ~~country nor the law operations~~ would require them, and Congress could not require them, to allow such captures. The states are sovereign in every particular, save those in which they have parted with their sovereignty to the general government. The Union has no inherent sovereign powers: its only sovereignty is that conferred upon it by the states, and limited and defined in the constitution.

If the federal or general government had never been created, and the states had remained as sovereign as they were when they renounced their colonial dependence upon Great Britain, there would have been no right existing among the citizens of the several States to follow their fugitive slaves beyond the borders of the state whence they fled. The moment the bondman crossed the border he would have been free. His recapture would not have been allowed by any municipal law, and could not have been claimed upon any recognized principle of international law. He would have stood, for the purpose of illustration, on the footing of a fugitive from justice—who can only be reclaimed on the basis of treaty stipulation, or may be surrendered in the mere exercise of sovereign discretion. In countries governed by the common law that sovereign discretion can only be evinced by way of legislation. Thus the matter stands, in the eye of the law of nations.

The federal constitution is to a certain extent a modification of the law of nations, in its application to the states. These two very matters of the extradition of fugitives, from justice, and from labor, are, as you perceive, modifications of that law. If nothing had been said in the constitution about them, no demand for either kind of fugitive could have been maintained upon any known and recognized principle of law. The right to make it is a right created and guaranteed by the constitution. It was one of the compromises upon which that instrument was founded, and without which it might well have been that the jarring and clashing interests of so many states, differing from each other, so greatly in climate, Soil, position and productions and in the various physical and moral necessities, resulting from them, could never have been reconciled. Those compromises, are the very consideration, if I may so express myself, of the constitution—they are the price, so to say, which one great interest paid to another for its assent to the constitution as a whole.

And are we to be told at this time of day, after experiencing the blessings conferred upon us by this sacred bond of our national unity, after enjoying an internal peace among ourselves, and an external respect from the nations of the earth such as is enjoyed by no other — and for which, under Heaven, we are indebted solely to that matchless instrument, are we to be told that these compromises are of no authority —that laws passed in the regular way, to enforce them are unconstitutional and void—that there is a *higher law*, behind these solemn national acts, greater and more binding than they, and which absolves men from their obedience to the constitution and the laws?— Gentlemen: if this penicious and accursed sentiment should take possession of the popular mind, we would have reached the last hours of the Republic. There are traitorous miscreants among the people in certain sections, who, in the face of God and man, take upon themselves to teach these abominable doctrines—and there are honest thousands, nay perhaps tens of thousands, of misguided men, who have given to them an almost fanatical reception. Scarcely a month has passed, since upon the soil of Pennsylvania and in the presence of hundreds of her citizens, it has been proclaimed without rebuke, that the constitution was an instrument of hell, and the Union a compact with the devil—it has been resolved to repudiate and resist, by what these wretched men call all rightous means, the fugitive slave law. While this spirit is developing itself in the North, there are not wanting at the opposite extremity of the Union, leaders who are as wicked, followers who are as desperately fanatical, as those I have mentioned. The perverted conscience of the Northern traitor—the frantic ambition of the Southern traitor, are directed with different objects, to the same end. Both are ready to raise their paricidal hands against their country. Between these extremes of sentiment, however, we may well thank God that the mighty, overwhelming mass of public opinion, is untainted by the madness of either. And yet how fearful is it to think that large parties, formidable by their energy, activity and zeal, are constantly agitating measures, on one or the other side, advouedly directed towards the disruption of the federal compact! Let us hope that the consummation of these unholy purposes is deep buried in the womb of time—let us pray that they may be its latest, as they will be its most hideous, birth.

Whilst sentiments and projects, such as I have adverted to, are here and there acquiring a local force, strong enough to awaken apprehensions in the hearts of the wisest and best citizens, it may be well for those, who have not given the subject much reflection, to bethink themselves of the duty and allegiance they owe to the constitution and laws of the land. I know that the existence of slavery is universally deplored by the good people of this State. They regard it with an almost instinctive horror, but with no inclination whatever to interfere with it in any state where it may be established by law. The abolition of slavery within her own limits, was one of the earliest, is as it was one of the proudest acts, of the achieved independence of our noble Commonwealth. She goes no farther than that. It is her plain duty not to interfere with other States, and she does not do it. This is the attitude of the people, and government of Pennsylvania, upon this exciting question, regarded in their relations, to the other States.

But there sometimes occurs within our territoy an attempt by citizens of other States to enforce the right of recapturing their fugitive slaves. And it is particularly to the duties of the citizens upon such occasions that I would now call your attention.

The fugitive slave law provides the legal machinery for carrying into effect the constitutional provision, with regard to fugitives from labor. As to the constitutionality of that law, in all its provisions, it is enough

to say that it passed through the severest ordeal of legal criticism while it was before the Senate and the House of Representatives, where all these objections were made and refuted. We have a published opinion of the attorney general of the United States, taken by the President, affirming its constitutionality in every particular, and we have the concurring opinions to the same effect, of every justice of the Supreme Court of the United States, judicially pronounced, who has been called upon to act under the law. One would think this were enough to satisfy the tenderest conscience, but persons, who set up their conscience against the law, most generally use it as a mere pretext to cover up the crime of their disloyalty.

In view of all this, concurring authority no honest and sane man can affirm that he believes the law to be unconstitutional. Be men's scruples, however, what they may, they will afford them no justification for resistance to this law. It is the law of the land—supreme and paramount, over every state constitution, and over every state enactment that in any particular conflicts with its provisions. It has that supreme authority by virtue of the federal constitution itself.

What is the plain duty of the citizen, when such a law is sought to be enforced—a law carrying into effect one of the leading compromises of the constitution? Need I say to that intelligent grand inquest that it is his duty, on his allegiance to his country, to put no obstacle in the way of its execution—and not merely so, it is also his duty to prevent others from putting such obstacle in the way.

Certainly the sympathy which is felt for a recaptured fugitive, about to be taken back into bondage, is natural, and it is honorable to the heart, that is inspired by it. We who enjoy so large a measure of liberty may well be supposed to be sensitive when we see a man about to be deprived of all liberty—to be reduced from even his stolen freedom to slavery—from being a man to becoming again, a thing, a chattel. The heart and the head revolt at that. The generous impulses of the great heart of the people, are always in favor of the slave. I would not that they should be otherwise, for if that evil day should ever come when our people would sympathize with the master rather than the slave, they would be near being fit to be slaves themselves.

But this honorable feeling should never carry the people into resistance of the law. Let the master recapturing his fugitive have no impediment placed in his way—let him be held only to a strict compliance with the law. See that he makes his case out according to its requisitions, and when that is done let him pass hence with his property.

Let every good citizen—every man in whose eyes the Union has a value—join with his fellows, in putting down, and crushing at whatever cost, every attempt to nullify this law. It is not to be endured for a moment, that crowds of negroes shall take upon themselves, to set at naught the constitution, nor that the fanatics, who loudly profess their love for the negro, shall be permitted to unite with them in that unholy warfare, upon the plea of their tender consciences. If these people do not love the Union and the constitution, let them withdraw to some more congenial country and government. Think you that the people of the Southern states will quietly submit to a practical subversion of the constitution in this respect—that they, willing to perform their duties, will release you from the performance of yours? It is not to be expected.—Those scenes of violence and resistance, which they have encountered in some portions of the North in prosecuting their lawful claims against fugitive slaves, have made a profound impression upon the public mind of the South. The bonds of the Union have been greatly weakened. Section has been arrayed against section, and we are now to some extent threatened with that terrible evil, against which the father of the country raised his warning voice, namely the formation of parties, upon merely sectional grounds. The Union can hardly endure that shock.

Should any attempt be made, to carry into effect the provisions of the law, I have been commenting on, in this county, it is the trust of this court that the free and intelligent citizens will see that it shall not be resisted and nullified. In upholding the law they will be but performing a sacred duty to their country.—Obedience to the laws, in a country like this, where the laws emanate directly from the people themselves, and where there is no strong armed hand, every where present to enforce them, is the sole condition upon which society exists.

1851.

Nomination for Pres't Judge of 23rd Jud. Dist.

On motion, the President appointed Messrs. J. H. SELTZER, DAVID FISTER, JACOB S. YODER, JACOB KURTZ, and HENRY SCHOENER, a Committee to inform Judge JONES of his nomination, and request his acceptance thereof.

In the performance of this duty, the Committee addressed the following letter to Judge JONES, to which the annexed reply was received; and both were ordered to be published as part of the proceedings of the Convention:

READING, Sept. 2, 1851.

Hon. Judge JONES.

Dear Sir:—The undersigned have been appointed by the Democratic Convention of Berks county, to notify you of your nomination for the office of President Judge of this Judicial District.

We take pleasure in saying that this nomination was made with perfect unanimity by your democratic neighbours and friends, who repose entire confidence in the soundness of your democratic principles, and in your ability, integrity, promptness and impartiality. Allow us to add our congratulations that the nomination has fallen upon one so well qualified to fulfil satisfactorily the responsible duties of this office.

In the expectation that you will authorize us to report to the convention your acceptance of the nomination,

We remain,
Your friends and fellow-citizens.
J. H. SELTZER. M. D.
HENRY SCHŒNER,
DAVID FISTER,
JACOB S YODER,
JACOB KURTZ.

—

Gentlemen:—

The nomination, of which you have apprized me in terms so far beyond my merits, I accept with profound gratitude to that honored people, of whom the Convention is the instrument of my selection. I accept it, in the very spirit in which I know and feel that it is tendered.

No party in this District would wish to convert the Bench into a piece of party machinery—to no such perversion of it could I, under any circumstances, ever consent to lend myself. With this clear understanding, on both sides, a party nomination to this office, which is truly one involving the highest and the most solemn responsibilities to society, loses that appearance even of impropriety, with which the fears of some of the best men have invested it.

If I know myself, I can pledge to you a perfect impartiality. You know that I am a Democrat—you know that I have never swerved from my political allegiance since I have been on the bench,—and yet I can, with a free, clear conscience, affirm that I have never felt the influence of a political attachment swaying my action on the judgment seat. Nor have I ever felt the influence of any other motive than of the simple desire to do right. Among the one hundred and fifty thousand people, over whose courts I have presided in the last four years, whatever other qualities have been denied me, that one at least, of impartiality, has never been questioned.

Should it please the people to confirm this nomination, I will enter upon the duties of the office with a fixed determination to administer justice promptly, and with economy to the suitor and to the public. Every man's case should be tried as soon after it is brought as it is possible. I know how ruinous to the suitor is a protracted law suit, in which his time is wasted in fruitless attendance on court—his substance is eaten up in costs—and his witnesses are lost to him by lapse of time. The man, whose case is thus lost, or whose estate is thus ruined, may well complain that the delay is to him a practical denial of justice. The constitution, in the very words of Magna Charta, declares that justice shall not be delayed or denied—and towards carrying into effect, in its most liberal construction that injunction of the constitution, I will if elected, lend every energy of my body and of my mind.

I beg you to express to the convention, Gentlemen, that sense of gratitude to it and to the people of the District, which this signal mark of their favor inspires in my heart. My own words are not equal to my purpose.

Accept for yourselves my acknowledgments for the flattering manner in which you have discharged your duty.

Very respectfully,
J. PRINGLE JONES.

Reading, Sept. 2, 1851.

The Convention then proceeded to the selection of candidates for Associate Judges. Two votes were taken, and resulted as follows:

	First.	*Second.*
For William Heidenreich,	108	—
Daniel Young,	64	80
John Miller,	53	37
Jacob Tice,	39	28
William Betz,	13	—
Frederick Linderman,	10	1

Whole number of Delegates, 147; necessary to a choice, 74.

WILLIAM HEIDENREICH, having a majority of all the votes given, on the first vote, and DANIEL YOUNG the same on the second vote, were declared duly nominated for Associate Judges.

Northampton
Nov. Sep. 1851.

Address of the Grand Jury to Judge Jones.

At a meeting of the Grand Jury held at their room, on the 19th day of November inst., the following Preamble and Resolutions were unanimously adopted.

Whereas His Honor Judge Jones, is about to retire from the Bench of this County.—And, whereas, we, the acting Grand Jurors, for the present Term, are desirous of expressing our sentiments of esteem and regard for him, as a man and a Judge, and our regrets at his separation from us in his judicial capacity, Therefore

Resolved, That in taking leave of Judge Jones, we recognize the loss of a gentleman, and a scholar of the highest literary attainments, and possessing all those social qualities, which, while they awake sentiments of the warmest personal friendship and intimacy, reflect honor, dignity and grace upon their possessor.

Resolved, That as President Judge of the Courts of this County, he has eminently distinguished himself as an able, inflexible and impartial arbiter in the administration of justice. And that for the manner in which he has discharged the duties of his station, he richly deserves the thanks and the gratitude of the citizens of this County. That uniform affability and courtesy, which has marked his course upon the Bench, while it has endeared him to us all, personally, commands our highest admiration and respect.

Resolved, That we deeply regret the departure, shortly to ensue, of Judge Jones, from the station he has so ably and satisfactorily filled. But we rejoice that he will still have the opportunity, although in another District, of manifesting and exercising those qualities, which have so justly earned for him the high judicial reputation he now enjoys.

Peter Gross, Foreman,	Wm. N Dildine,
N. G. Mansfield,	David Hillegas,
Amos B. Rohn,	John C Weber,
John Bender,	Christian Hauck,
Augustus Wolle,	Benj. Nelson,
Jacob Eilenberger,	W. H. Sherman,
Melchoir Lerch,	David Moyer,
Azariah Lockard,	S. Drinkhouse,
John Hartzell.	

Lehigh.
September Sep. 1851.

HON. J. PRINGLE JONES.

At a meeting of the panel of Jurors for September Term, 1851, after being discharged by the court, on motion, Major WM. FRY was called to the chair, and Alexander W. Loder appointed Secretary.

After the object of the meeting was stated by the chair, Mr. James Lackey, of Hanover Township, offered the following preamble and resolution:

Whereas it being now known that the official career of the Honorable J. Pringle Jones, as President Judge of this Judicial District, is about to close, and that the labors of the past week will end his official connection with the people of this county; and Whereas we, as a portion of the people of this district feel anxious to testify our appreciation of his distinguished worth, and to express our opinion, of the manner in which he discharged his arduous official duties: Therefore

Resolved, That in parting with the Honorable J. Pringle Jones, as the President Judge of the 3d Judicial District, we have lost a Judge who, while among us, has distinguished himself as well both for his profound legal knowledge as for the fairness and impartiality with which he has discharged his duties, while among us, and that we do most sincerely regret the necessity which dissolves our connection with him.

On motion, that the above be published in all the papers in Allentown.

WILLIAM FRY, Chairman.
A. W. Loder, Secretary.

These resolutions were passed at the last Terms, while I held in Northampton & Lehigh, respectively. These simple papers possess a great value in my eyes, because they were not obtained by any intrigue on my part. I believe they expressed the feelings towards me of the good people of those Counties.

TESTIMONY OF RESPECT.

At a meeting of the members of the Bar of the county of Northampton, held at the Court House in the borough of Easton, on Tuesday evening, the 18th of November, A. D. 1851, the Hon. JAMES M. PORTER was called to the Chair, and PHILIP JOHNSON Esq., appointed Secretary.

The Chairman having stated the object of the meeting, on motion of H. D. MAXWELL Esq., seconded by A E. BROWN, Esq., the following preamble and resolutions were unanimously adopted:

Whereas, The Hon. J. PRINGLE JONES is about to retire from the office of President Judge of the several Courts of the County of Northampton, and thus sever the official connection which has so pleasantly and satisfactorily existed, between him and us the members of the Bar of said County:—And whereas we are unwilling to allow this separation to occur without offering our public testimonial of the high respect and esteem we entertain for one who has endeared himself to us all, both in the exercise of his judicial duties and in his private social intercourse:

Resolved, That we have been highly pleased with the able, diguified and impartial manner in which the Hon. J. PRINGLE JONES, has discharged the duties of his Judicial office amongst us, that his prompt efficient and faithful admiuistration thereof has secured our cordial approbation, and his talents as a jurist, his attainments as a scholar, his strict integrity of character and pleasing social manners, have won for him our highest regard. In parting with him we do so with our best wishes for his future happiness and success in life.

Resolved, That he be invited to partake of a supper with us on Wednesday evening of next week.

Resolved, That we hold in high regard the Hon. JOHN H. KELLER, and the Hon. ISAAC C. WYCKOFF the present Associate Judges of our Courts, and that in retiring from the offices the duties of which they have faithfully, and honorably discharged, they carry with them the esteem friendship and good wishes of us all. We also invite them to participate with us in the supper to be given on the evening of the 26th inst.

Resolved, That a Committee be appointed to present a copy of these proceedings to each of the judges above named.

Resolved, That the proceedings of the meeting signed by the officers thereof, be published in all the newspapers of the County.

H. D. MAXWELL, A. E. BROWN, JACOB WEYGANDT, M. H. JONES and HENRY GREEN Esqs., were appointed the Committee named in the above Resolution, and GEORGE W. YATES, J. M. PORTER, and PETER IHRIE Esqs., were appointed the Committee of arrangements for the supper.

On motion of CHARLES M. STOUT, Esq., seconded by A.E. BROWN Esq., it was further

Resolved, That the newly elected President and Associate Judges of the County, and the members of the Lehigh County Bar, be respectfully invited to participate with us at the supper on the 26th inst.

On motion the meeting then adjourn d.

J. M. PORTER, *Chairman.*

PHILIP JOHNSTON, *Secretary.*

The Bar Dinner.

As preliminary to any notice of this, we publish the correspondence between the Committee of the Bar, communicating the resolutions of the Bar meeting to the Judges.

Hon. J. PRINGLE JONES,

Dear Sir:—In discharge of the pleasing duty assigned us, we beg leave to present to you the accompanying copy of the proceedings of a meeting of the members of the Bar of this County held yesterday evening in reference to the approaching official separation which is soon to occur between us.—In so doing, we would take occasion to add the sincere expression of our individual good wishes for your future happiness, assuring you that we shall cotinue to cherish with pleasure the friendship which has so happily existed between us.

We have the honor to be with high regard, very respectfully and truly your sincere friends,

HENRY D. MAXWELL.
A. E. BROWN,
JACOB WEYGANDT, } Com't
M. H. JONES,
H. GREEN.

Easton, Nov. 19, 1851.

I have received, gentlemen, with feelings to which I can never give expression, the proceedings of the Bar of Northampton in reference to our approaching separation.—Praise in the discharge of duties performed, even though ever so much exaggerated, is grateful to a public servant. For myself, though I receive this testimonial with the profoundest gratitude, I cannot feel that it is merited. It is true, I have endeavored to do my duty, but I know that I have not done it in a manner to deserve your too generous commendation. We have lived so intimate-

ly and so happily together, that now, when we come to part, you let your warm hearts, not your cool heads, speak your farewell to me.

To leave such friends—to dissolve official relations with such lawyers, as I have found at this Bar, is one one of the most painful necessities of my life. But, believe me, the memory of those friends, and of those lawyers, will ever be among the most cherished of my recollections, and will, to the end of my life, be one of its treasured consolations. Distinguished as your body is for its pre-eminent ability, and for every other quality that can adorn and illustrate the professional character—distinguished as it is for the various learning and accomplishments of its members beyond the pale of mere legal lore—and most of all for those sterling social qualities which give a transcendant charm to personal intercourse—how could a Judge leave such a Bar with other than true, deep, lively regret? How easy does such a Bar make his duties. Its industry relieves him of onerous, unseen labor—its learning supplies his deficiencies—its candor and integrity disembarrasses his judgement. I, that have experienced all this—I that know it, may well take it upon me to say what I do.

In parting with you I cannot forbear invoking for my successor, whom the unanimous voice of Northampton has called to the Bench, the exercise of all that noble professional spirit, which has rendered my connection with you so delightful. He is a man worthy of that high confidence of the people, and I rejoice to know how much that generous people will gain by the exchange. You, who know him as a brother, and know how deserving he is, will not, I am sure withhold from him one jot of that confidence, which, while it promotes your ~~material~~ mutual happiness, will tend also to promote the public interests.

Be pleased to signify to the Bar that I accept its invitation—and convey to it this feeble utterance of the esteem in which I hold its members—individually and collectively.

I am, gentlemen, very sincerely your friend, J. PRINGLE JONES.

Easton, Nov. 21, 1851.

H. D. Maxwell,
A. E. Brown,
J. Weygandt,
M. H. Jones,
H. Green, Esqrs. } Committee.

Easton, Nov. 21st, 1851.

Henry D. Maxwell, Esq., and others;—Committee of the Easton Bar.

Gentlemen:—The undersigned most cordially and fully concurs in all that has been said by the Bar of Northampton County as regards the able, dignified, and impartial manner in which the Hon. J. Pringle Jones has discharged the duties of his official station amongst us. Both as a jurist and a gentleman, he must ever command our highest regard. The undersigned duly feels, with the deepest gratitude, the approbation which the gentlemen of the Bar are pleased to bestow on the humble merits of his associate on the Bench, and as one of them will always cherish this testimonial of the Bar of Northampton County with the liveliest emotion, and regrets extremely that an unavoidable absence by imperious necessity will prevent him from participating in the festivities of Wednesday evening next.

Very respectfuly, your most humble servant. I. C. Wikoff.

On Wednesday the Bar dinner came off.—The table spread by Mr. Bellis of the Washington, who was the caterer on the occasion, has been the subject of universal and well-deserved praise. It was covered with all the choice viands which good taste and a liberal hand and heart could procure. The Hon. James M. Porter presided, and Gen. Peter Ihrie acted as Vice President. Judge Jones occupied the seat at the right and Judge McCartney at the left of the President. At the conclusion of the *discussion* of the edibles, and the removal of the cloth, the President addressed the Company on the subject of their meeting—the pleasure they had all derived from their intercourse with their guest—the ability and amenity with which he has discharged his judicial labors adverted to the separation about to take place to the unfeigned regret of all and the best wishes they entertained for his future prosperity and usefulness, of which his integrity and literary and legal acquirements gave rich promise. He proposed his health in a toast—

"*Our distinguished guest, the Honorable J. Pringle Jones; the scholar, the gentleman and the Jurist,*" which was drank by the company.

Judge Jones replied in an able and feeling speech—in which he thanked the bar, for their uniform kindness and regard to him—passed a high encomium on the Easton bar, of which the distinguished Jurist at the head of our Supreme Court had said there was none superior, in the State, for learning and ability. That in his own intercourse with them as Presiding Judge, and in his examination of the arguments of the Bar of this and other portions of the State, as reporter, he was able to bear testimony to their great ability, method and industry. That

for much of this they were most probably indebted to the example set them by the late *Samuel Sitgreaves*, to whose memory he paid a just tribute. He also spoke in a very kind and favorable manner of the talents and ability of his successor into whose hands he could well commit the trust which he had executed for the last five years.

He gave "The memory of the late Samuel Sitgreaves."

Alexander E. Brown, Esq., acting as Vice President, (Gen. Ihrie having retired from indisposition) in a neat and appropriate speech, brought the merits of the new President Judge before the company, as one known to them all—talented and well read, not only in general literature, the arts and sciences, but in his profession also, and gave as a toast—

"The Honorable Washington McCartney."

Judge McCartney replied in a short impromptu speech, in which he adverted to the deserved confidence reposed in his predecessor His high attainments, the disadvantages necessarily experienced in assuming the place of one so generally and deservedly a favorite, and expressed his determination to administer the law, with the best intentions of doing right, which he would have the less difficulty in doing with a bar of such experience and learning. He paid a high compliment to the Jurisprudence of the State and gave as a toast—

"The Supreme Court of Pennsylvania.—The *old* and the *new*."

His was followed by a speech from Henry D. Maxwell, Esq., introducing to the meeting the character and merits of the Hon. John H. Keller and Isaac C. Wikoff, the retiring associate Judges, in a very happy effort. He read the letter from Judge Wikoff inserted under correspondence, he being unable to attend and gave a toast complimentary to those gentlemen.

A. H. Reeder, Esq., offered a toast complimentary to the Honorable James Kennedy and William L. Sebring, the newly elected associate Judges of this County, which he prefaced by a few preliminary remarks, setting forth the well-deserved claims of those gentlemen to public confidence.

G. W. Yates introduced a toast complimentary to the President of the meeting, James M. Porter, Esq., the senior member of the Easton bar by a reference to the length of time he had been practising his profession—the high stand he maintained in it—the public trusts he had filled—his public spirit—his exertions in founding and establishing La Fayette College, and in the improvement of our Borough, notwithstanding all the opposition and obstacles thrown in his way.

The Judge in reply said that the kindness of his young friend had much overrated his merits. That it was true thirty-nine years mutual experience at the bar, thirty-four of which had been spent in Easton, ought to have made him something of a lawyer. But if he had any claims to professional reputation, he owed it principally to the circumstances in which he had been placed. He was probably naturally inclined against much exertion but when he came to Easton, found an opening at the bar, in consequence of the appointment of the Honorable John Ross to a Judicial station. That gentleman, who was one of the best Nisi Prius lawyers which Pennsylvania had ever produced, was the great professional competitor of Mr. Sitgreaves. His leaving the bar left Mr. Sitgreaves, a professional giant, master of the field. It had been his (Mr. P.'s) good fortune to be employed often in opposition to him, and to cope with him on anything like equal terms, required all the powers of industry and research. These, a sense of duty to his clients as well as the promptings of ambition, induced him to put in requisition, and he believed he has earned the reputation of being industrious—that was his greatest merit, if he had any. Demosthenes had once said that the first great attribute of an orator was "action,"—the second "action" and the third "action." Were he asked what was the first requisite for a lawyer he would say "*industry*"—what was the second he would answer "industry"—what was the third? "industry." He urged upon the junior members of the bar, upon whom, in the ordinary course of nature, the mantles of their seniors must soon descend, to cultivate this necessary professional virtue. He spoke of the liberality and kindness, as well as the public spirit with which the people of Easton had incited and sustained him in all his efforts. He said Easton was a glorious place, no man was ever raised in it, whom circumstances called away, but desired to return to it; and no one, who came

to live here, and staid any time among us, was willing to go away. He referred to the College, the cause of education, and the Borough improvements, and gave as a toast—

"The Borough and people of Easton."

Mr. Maximilian Goepp prefaced a toast complimentary to Alexander E. Brown, Esq. with a few pertinent remarks, in which he set forth the position which that gentleman occupied as a scholar and lawyer.

Mr. Brown in reply thanked his young professional brethren for the compliment paid to him, and the undeserved estimation in which they were pleased to hold him, and expressed a hope that cordiality and good feeling might still further prevail between him and them.

Judge Weygandt was then toasted as the

teristics of good Judges—learning—integrity and good manners. His illustrations of Judges who possessed them, and those who were deficient were very appropriate examples of the correctness of his views. He toasted "*The Members of the Allentown Bar.*" To which James S. Reese, Esq., their only representative at the festival, replied in a suitable speech, and gave a toast complimentary to Judge Jones.

"The Junior members of the Easton Bar" were then toasted, and Mr. Silas C. Cook, jr. responded on their behalf in an appropriate speech.

Mr. Philip Johnson made a witty speech on the subject of suitable men being always furnished for great occasions, which set them all in a roar, and then toasted his successor in office, Charles M. Stout, Esq. This

The toast which I gave in the evening was the subjoined, and this was the very paper from which I read it.

The memory of Samuel Sitgreaves — whose distinguished character as a lawyer and as a man, impressed upon the Bar of Northampton, survives him in that noble and living monument of his worth. May a memory so perpetuated never fade.

amples for him

sident of the meeting who was the connecting link between the old and new order of things, by saying if he had profited by coming into competition with the giants of these days he was entitled to the credit of compelling those who came to the bar after him to pursue the same course, in order to compete with him. He alluded to other gentlemen still living, who were ornaments to their profession, on whom Easton and her Bar had some claims; instancing Garrick Mallory, John M. Scott, Joel Jones and Hopewell Hepburn.

Mr. Maxwell was then toasted and replied in one of the neatest, most classical and professional speeches that was made during the evening. In which he spoke of the charac-

Charles Wallace Brooke—James A. Dunlap—John Josslyn and Daniel Philips were also toasted.

We sincerely wish that the whole proceedings and speeches, or at least the substance of them, were collected and published. It would make one of the most interesting pamphlets we know of, and would embody much of the men and history of our place that may else be lost. We have been able at best, to give but an imperfect account from memory, in which we may have omitted much that ought to have been told.

The parting toast to the Host and Hostess was well deserved.

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Mr. Brown in reply thanked his young professional brethren for the compliment paid to him, and the undeserved estimation in which they were pleased to hold him, and expressed a hope that cordiality and good feeling might still further prevail between him and them.

Judge Weygandt was then toasted as the vigilant Magistrate, and the upright Judge, and the esteemed citizen.

Mr. Frank Michler then offered a toast complimentary to A. H. Reeder, Esq., which he introduced by a few very proper remarks. This brought Mr. Reeder to his feet, with a declaration that he was not fond of speech-making, except when forced into it or paid for it. He alluded to the character given to the Easton Bar by his Honor Judge Jones, which he had heard endorsed by Judge Coulter. He spoke of the men, who, in former days had graced our bar by their talents and eloquence—noticed the character and standing of Samuel Sitgreaves, John Ross, Joseph Hopkinson, George Wolf, Thomas B. Dick, and Charles Evans, now deceased, and recommended their industry and energy, as examples for imitation—complimented the President of the meeting who was the connecting link between the old and new order of things, by saying if he had profited by coming into competition with the giants of these days he was entitled to the credit of compelling those who came to the bar after him to pursue the same course, in order to compete with him. He alluded to other gentlemen still living, who were ornaments to their profession, on whom Easton and her Bar had some claims; instancing Garriek Mallory, John M. Scott, Joel Jones and Hopewell Hepburn.

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"The Junior members of the Easton Bar" were then toasted, and Mr. Silas C. Cook, jr. responded on their behalf in an appropriate speech.

Mr. Philip Johnson made a witty speech on the subject of suitable men being always furnished for great occasions, which set them all in a roar, and then toasted his successor in office, Charles M. Stout, Esq. This brought the new Clerk of the Sessions up for a speech.

Mr. Yates was toasted, and responded in a very good speech—so Mr. Mutchler, the District Attorney, Mr. Meyers, Mr. E. Sitgreaves Mr. Cooley and Mr. Henry Green, the latter of whom toasted William A. Porter, of Philadelphia, of whose rising fame this Bar was justly proud.

All the speeches appeared to be impromptu and this called up very many interesting reminiscences. There being no reporter present, it is improbable to give even faint sketches of them to catch their spirit.

The former President of the District, Judge Banks was toasted.

The memories of the late President Judge the Honorable Robert Porter—of Robert May Brooke—of Evan Rees—O. W. Hess—Charles Wallace Brooke—James A. Dunlap—John Josslyn and Daniel Philips were also toasted.

We sincerely wish that the whole proceedings and speeches, or at least the substance of them, were collected and published. It would make one of the most interesting pamphlets we know of, and would embody much of the men and history of our place that may else be lost. We have been able at best, to give but an imperfect account from memory, in which we may have omitted much that ought to have been told.

The parting toast to the Host and Hostess was well deserved.

Berks. May. 1852.

DUTIES OF SCHOOL DIRECTORS.

Under the old act of Assembly the adoption of the public school system was optional with the people of the several townships, and the consequence was that in many districts,—particularly where schools were most needed, they were never introdueed. The last act of Assembly makes the opening of free schools imperative on the directors, notwithstanding wbich, in many townships in Berks, the schools were not organized. The law provides that when the direetors neglect and refuse to do their duty, upon petition of six citizens, they may be removed by the Court, and others appointed in their place. This has been done in a number of townships, so that but few are now setting the law at defiance. Among these was Colebrookdale, and in the case of the directors of that township, the Court, on Monday last, delivered the annexed opinion.

We publish it for the information of School Directors in other townships who are neglecting their duty, as well as for the general good doctrines it contains, expressed in vigorous and nervous language.

Opinion of the Court,

In the matter of the School Directors of the township of Colebrookdale.

The School Directors of Colebrookdale township have seen fit never to carry into effect the common school system of education, but instead of doing their duty, as imperatively enjoined by law, have gone on in defiance of the law, for years, giving to the children of the poor of that township the invidious pittance of education, which was doled out to them, as paupers, under the old law. And now, when they are brought into Court to show cause why they should not be removed from office for this gross dereliction of duty, two of them, the others answering nothing, tell us that "the great opposition to the common school law in that township has placed difficulties in their way which mnde it almost impossible to comply with the law, but notwithstanding the Board has unanimously agreed to go on and open the common schools, and that they are now and have been making all necessary arrangements to do so."

It is more than three years since the act of 1849 was passed, and no single step has yet been taken by this Board to carry it into effect. It is not to be endured that any law of the land should he thus made a dead letter by any local opposition. These Directors were elected under that law, and by their acceptance of office under it, took upon them the duties of office—indeed, for not doing those duties, they subjected themselves to being indicted, and upon conviction fined and imprisoned. And yet yielding to "the great opposition" of the township, they have found it "*almost impossible*," they tell us, to perform those duties—and what was wanting of *entire* impossibility, derived from that great opposition, they have found probably in their own inclinations. When men take upon them the burthen of public office they should know and feel that there is no impossibility in the way of doing their duty. Let them bravely dare to do it, and what to the cowardly fancy seems great opposition will shrink into utter nothingness when it comes into direct conflict with a resolute and determined officer, who takes his stand on the sure and firm set foundation of the law.

The disposition to set laws at naught is one that must be promptly met and checked. It is no new disposition of human nature—it is as old as human nature itself. But the law is the rule of order in the state, and this disposition is the antagonistic principle to that rule. The law is the life of society, whilst triumphs over the law tend to, and, where they become universal, are in very fact, its death. We would commend to the good people of this township, and of all others which feel aggrieved by the common school law, the wisdom of the ancient law-giver, who says, "If there are laws whose provisions seem to be fraught with inconvenience or injury, let them be changed and corrected. But from the moment that a law is decreed and in force, let all obey it scrupulously; from that moment it is neither right nor proper that any man should be wiser or stronger than the law, and it is both right and proper that the law should be wiser and better than man. Those who would violate this principle ought to be punished, because by doing so they introduce disobedience, which is the greatest scourge of states." The twenty-six centuries that have passed away since those principles were promulged, have afforded thousands of illustrations of their supreme wisdom. On those principles, alone and beyond all others, the American courts and the American people can alone make good the lofty boast of man's capacity for self-government. If we let go our hold on these principles, that boast will become a curse, a hissing and a by word.

These Directors profess their willingness, since this proceeding was instituted, to carry the laws into effect. We have no doubt of the sincerity of those professions. The respondents are doubtless all respectable and excellent citizens, and have acted under mistaken views either of their powers or their duties—but, be the source of their error what it may, we cannot receive this late repentance as an expiation of their wrong. They have disobeyed the law, they have incurred its penalties—and must therefore be removed.

The Court therefore order and decree that the respondents be, and they hereby are removed from their offices as School Directors, and John Gable, Henry Stauffer, Henry B. Rhoads, Henry Seashols, Levi R. Gilbert and Samuel Shaner, are hereby appointed School Directors of Colebrookdale township in their place and stead.

Coroner's Report.

The annexed is worth publishing—showing as it does the progress of knowledge. It is a report of a 'Crowner's Quest' held by a Justice of —— county, not long ago, on a dead body:

I, the undersigned, Justice of the Peace, do hereby respectively certify the Honerable Judges of the Court of Quarter Session of the Peace of —— county; that the above statement is a correct, and a true bill of holding an inquest and viewing the dead body of an male person or man entirely unknowen by the people of his name. He was found by Mr. —— ——, of the city of ——, on the 3d day of March last, in the east side in the Schuylkill river, at —— —— near the guard lock.

And on the 4th day of March, the viewing and inquest took place, 12 jurymen duly sworn according to law by the Justice, by which —— ——, of —— township, served as foreman, and after the Jurors were duly quallifyed, according to law, they reputed to the Justice to the best of their judgment that the said person, or Man, was murdered by somebody by shoding two bowlls with a pistol or fyer arms through his belly or womb, and then the body was throwed in the Schuylkill river.

Witness our hands and seals this 4th day of march, 1852.

"Signed by the inquest,"

Attest, —— ——, Justice of the Peace.

Don't a literal copy of the inquisition.

Address to the People of Berks Co.,

IN FAVOR OF FORMING

AN AGRICULTURAL SOCIETY.

At a meeting of citizens of Berks county, convened for the purpose of taking measures to organize and put in operation a county Agricultural Society, we, the undersigned, were appointed a committee to address the great farming interest of Berks and her citizens generally, upon the object of that meeting and to invite their support of such a Society.

In view of the fact that none of us are actually engaged in farming, it may be proper to say a word in explanation of what might otherwise be considered an interferenee with pursuits to which we are strangers. The want of an Agricultural Society has been long felt and deeply deplored by many of the most experienced farmers in the county. We have, all of us, heard such regrets often expressed. We have, all of us, for every citizen is interested in the farming that is going on around him, felt that such a society could not fail to benefit, in various ways, the farming of the county, and so, incidentally, to benefit its whole people. It was necessary that a first step should be taken in the matter. Our country friends, separated from each other by distance and by want of mutual acquaintance, were not in a condition to take that step, much as they desired it to be taken; and so yielding to their solicitations in part, and to our own convictions, we and those we represent appear before you to ask your co-operation in establishing this society. When it is founded and rendered efficient, which it is determined that it shall be, it will be a pride and pleasure to us all to see it pass entirely and absolutely into the hands of the farmers of Berks.

It would be late in the day, in view of the experience of other counties, to say anything in defence of forming such an association. We do not propose to do that. Yet we think it may be proper briefly to state some of the advantages which cannot fail to flow from a well conducted society of the kind. It might be enough to point to the agriculture of the adjoining county of Chester, which it is thought will compare advantageously with that of any district in the United States, for the conclusive demonstration of what good such societies are capable of effecting. How much of the noble triumphs of that county in the various productions of tillage, of the dairy, of the orchard, of the garden—how much of her fame for stock of all kinds—how much of the consequent general prosperity of her farmers and other citizens, is due to her associations for promoting agricultural improvement, her intelligent people are proud and eager to acknowledge. Those societies, gathering together the results of the experience and observation of every member and spreading them over the whole face of the county, make the knowledge thus gained the common property of ever farmer. Old errors, new-fangled conceits, are alike brought to the test of rigid experiment; what is false in them is exploded, and they are no longer permitted to assert their old, or to acquire a new, dominion. Within twenty years the face of Chester county has been entirely changed. Its productions, the comfort of its people, its wealth of all kinds have been vastly increased, and this increase is directly traceable to its improved modes of culture, and those again to its agricultural and kindred societies. All that goes back to that point. From such a point we propose now to give to the energies and enterprize of our noble county new impulses and new directions; we propose to assert for Berks what has been achieved for Chester.

An Agricultural Society, if properly conducted, is not designed to introduce mere speculative, book-farming. It is not designed for the amusement of mere fancy farmers, but for the advantage and profit of that kind of farmers who eat their bread in the sweat of their brow. The business of such a society is not to circulate crude notions, to hold up the dreams of theorists and the results of doubtful, half-tried experiments as truths, upon the faith of which capital may be invested, but its functions and duty are to inquire into every asserted useful discovery in agriculture, to investigate its claims, and to determine its real character. will circulate towards

By a judicious system of premiums and rewards, it is believed that such a society ~~forwards~~ the production of the best: that is to say, that by bringing the products of our county, first into competition among themselves, and then into competition with those of other counties, it may be even of States, we hope to inspire a feeling that will not rest satisfied whilst the agriculture of Berks is second to that of any other county or district in the Union. To such a society it belongs ever to keep that high mark before the eyes of the public, and ever, by its publications and discussions, by its fairs, by its vigilant attention to what is going on elsewhere, and by all other means, to lead the public towards the attainment of that high mark. The ambition of excelling, when once aroused, we know will carry our energetic and enterprizing people steadily and rapidly forward; and to excite that noble ambition and give it this honorable direction is the leading purpose of this society.

The society will be the means of communication with similar societies elsewhere, and, receiving their reports and observations, will give in return what has been observed in Berks. With this view it will from time to time put forth publications in the German and English languages, in such form that they will be accessible, almost without cost, to the whole people.

It will be a particular duty of the society to collect and distribute among its members, seeds, plants and roots, of such new or improved kinds, as may be worth the experiment of trying to introduce upon our soils. The growth of this department of its labours must be gradual, but we look forward to a day, not distant, when we hope to see the society so established that it will be able to open, under its direct patronage, a warehouse for the sale, at merely remunerating profits, of everything in the shape of seeds, roots, plants, books, tools, and instruments, that could be looked for in such an establishment.

Such are some of the influences upon the material interests of agriculture, which we hope to bring into action. But this society, in bringing together in the bonds of common interest and brotherhood hundreds of citizens who are now unknown to each other, in widening the field of each man's friendships, associations and sympathies, will exercise an influence surpassingly more direct and important upon the moral interests of society. If it should fail of every other purpose, it cannot fail of this. It is not intended, however, God willing, that it shall fail in any respect.

We call upon you then, fellow citizens of whatever calling—we call especially upon you, farmers of Berks, to come forward and sustain this effort. We appeal to you in your great organic character—beyond all the little distinctions by which men are divided and kept apart from each other—as citizens to give to this effort for the common good such a support, at once & from the beginning, as will render it certain of its accomplishment. Support *now* is of the utmost consequence—*hereafter*, when the society shall have become vigorous and self sustaining, it will thank no man for his desire to join it.

In conclusion we would earnestly and respectfully invite all, who participate in these views, to meet at the Court House in Reading, at 1 o'clock, P. M., on Tuesday, the 13th day of January, 1852, at which time and place it is intended to organize an Agricultural Society for Berks county.

J. PRINGLE JONES,
HIESTER H. MUHLENBERG,
JOHN H. KEIM,
WILLIAM DARLING,
N. V. R. HUNTER.

Committee.

THE JOURNAL.

READING, APRIL 10, 1852.

DUTY OF CONSTABLES.

Charge of Judge Jones.

It affords us much satisfaction to lay before our readers the able charge delivered by the Hon. J. Pringle Jones to the constabulary of Berks county, at the present sessions. We hope that body will read, mark, learn, and inwardly digest, the wholesome truths it contains, that thereby the scales may fall from their official eyes, as it is well known that they now make a nice distinction between their natural and official perception, and in the latter respect are little better that the individual who saw men as trees walking, The Constables have important duties, and power delegated to them sufficient for their full execution. If they could be induced to do their duty they would be an efficient means for enforcing the laws, and protecting the community.

The Constables of the various boroughs, wards and townships of Berks, after taking their rolls and making the usual returns, at April Sessions, 1852, were called together and addressed as follows:

GENTLEMEN:—Complaints of various kinds against the constabulary of this county are occasionally being made to the Judges of this Court Sometimes these complaints are preferred personally—sometimes in writing over the proper signature of the writer—and not unfrequently they reach us anonymously. We would take this opportunity to say that we cannot take notice of charges made in either of these ways. If any one has cause of complaint against any of your body, we sit here in open Court to receive and investigate his charges, when they are presented in a legal and responsible way, under oath. Presented in any other shape, we cannot notice them.

But whilst our duty compels us to make this disposition of these complaints, we cannot shut our eyes to the fact, that the discontent among the people, with the manner in which a portion of their duties are discharged must have some foundation in the conduct of the constables. And it is for that reason we have assembled you together at this Term, when many of you are just entering upon, and others are renewing, the official obligations of the Constableship, in order to address to you, as a body, a few words of instruction and admonition, touching the performance of your police duties in your respective districts.

The complaints, that reach us, seem all to take one or the other of these directions—that in making your returns to this Court you do not take any pains to inform yourselves of the existence of disorderly housekeeping, of the sale of liquor by less measure than a quart, of breaches of the peace at elections, and of the condition of the public roads. That these offences of selling liquor unlawfully, and of disorderly housekeeping, are perpetrated to an alarming extent, we have no doubt—yet looking at your sworn returns we find nothing to indicate that there is anything wrong, either upon or below the surface of society. The Constables swear at every Term that there is no disorderly housekeeping, no gambling, no drunkenness, no tippling houses—in short that the laws are most scrupulously obeyed, in their several districts. And yet it would seem that there is no man, woman or child who does not know more of these things than do the Constables, whose duty it is particularly to look after them. Constables' oaths upon returning to Court are, like Custom House oaths, growing to be a jest through the whole country side. It is not flattering to the constabulary that the people have cause to regard their sworn returns in this contemptuous point of view. And if there is not amendment in this particular, the very scorn and contempt of the people for the morals of the officers will render the holding of the office a badge of infamy and shame.

Bad however as the case may seem, as it stands at present, and bad as it may become, we think that some injustice has been done to your body by public opinion. We do not believe that the Constables of this county, as a class of citizens, are less truthful, less to be trusted, less to be respected, than any other class of men. In some of you, who are personally known to us, we have very great confidence. We believe that you are honest and truthful men, and that if you, or your predecessors have failed in your duties, you and they have done so to a large extent from sheer ignorance. Doubtless there have been bad, corrupt men, who have made false returns, wilfully and with perfect knowledge of what they were doing. The wonder is that there have not been more such. But that the whole body of the constabulary should be thus regardless of the solemn obligations of their oaths, we utterly disbelieve. Constables have grown careless in making their returns because they were ignorant of their precise powers and duties—and that there may be no excuse of that kind made for you hereafter, we shall proceed to instruct you, very briefly, as to what you should do and know before you can honestly and with a clear conscience swear to any return at the bar of this Court.

When you swear that you do not know of any drunkenness, gambling, or disorderly housekeeping in your district, you are very far from swearing to the truth, very far from having done your duty so as to qualify you to make a true return, if you suppose that you can only swear safely to what you have seen with your own eyes. We suspect that there is some mental reservation in Constables' oaths of this kind—that they swear that they do not know of any drunkenness, gambling or disorderly housekeeping, because they have not seen it, because they do not know it of their own direct, personal knowledge. It will be very little of that kind of offences, we take it, that will be committed in the presence of a Constable, unless the Constable is well understood to be a congenial spirit, or is a partner in the offence. If you wait until you see a gambling establishment in full operation—or the proprietor of a brothel plying her occupation—or the tippling house keeper driving his unlawful traffic in drinks—it may indeed be a very rare occasion that any one of you will be called upon to make a return. You may visit these places every day, and, being known officers of the law, their proprietors will probably respect your feelings, and indeed respect the law, so much as not to do anything unlawful before your face. But it is not doing your duty because you have not seen anything, that you should let the matter rest there, and, against your own convictions of conscience, come into Court and swear that you do not know of any such offences. The Constable, who is credibly informed that such offences are committed—or who from common general rumor receives that information—or who from his own observation has reason to suspect a house or a person, and who takes no further action, waiting till he can see the offence with his own eyes, swears falsely when he comes to this bar and deposes that he does not know of any offences of the kind having been committed within his district. It may not be technical perjury, in the eye of the law—but let him consider well what it may be in the eye of God. He has heard or has seen enough to put him upon inquiry and it is his bounden duty to

inquire into the character of every person or house in his district which bears an evil name and fame. He must not shut his eyes and ears to facts, which ring through the whole community, and because of that voluntary and convenient blindness and deafness, come here and swear that he knows of no such facts. It is his duty to be vigilant, and from the moment he finds a person or house of notorious, or even whispered, bad repute, he should never lose sight of that person or that house. He should watch them, and warn them so as to make the suspected persons feel that they are living under the eye of the law—he should be incesaant in his efforts to ascertain precisely the nature and extent of their offences, to collect the testimony, and to prepare for prosecuting the offenders. A Constable should be prompt, resolute and determined in his dealings with this kind of persons—he should make them feel that in him the law had an ever present, untiring, upright vindicator. We do not instruct you to become eaves-dropping spies—the manly spirit of our law abhors the secret practices of the police of some countries—and the American people would revolt from their introduction here. But it is your duty to gather such evidence as may be accessible touching the offences as to which you make returns to this Court. Of these offences you are made official prosecutors, and you are therefore bound by your oaths and duty to prosecute wherever there is occasion, and to prepare the evidence.

A great deal of liquor is sold, as we are informed, at vendnes and other, the like gatherings of the people. Military parades too are infested in an especial manner by the venders of liquors. Many store keepers venture to sell by small measure. To all these violations of the law, occurring times without number, we shall expect you to give attention. You have but to look about you and do your duty fearlessly. On every side you will find infractions of the law. If you cannot see, or hear, or find out anything of the kind—you had better ask to be discharged from your offices—we will discharge you cheerfully. No honest man, who knows what his duty is, can fail to bring to justice, in certain neighborhoods, scores of keepers of disorderly houses—gambling houses—bawdy houses—tippling houses, and unlicensed sellers of liquors—and if any one does so fail hereafter, as a dishonest man, we will remove him on the slightest occasion that he may furnish us to relieve the public of his barren services. You are responsible for the good order and peace of your districts, and we will hold you to that responsibility by all the means in our power.

You will also observe how the Taverns in your districts are kept—for a Tavern, though licensed to sell liquor, may do it in such a way as to become a disorderly house. If you observe idle, drunken, dissolute people about a Tavern—especially on Sunday—and they frequent the house habitually, or are seen by you frequently—indeed if a Tavern has the common reputation of being the resort of such persons, you will report the fact to this Court. —A well ordered Tavern is a great convenience to the public, but one which is not of that character, is a nuisance, which should be abated. Look then into the Taverns—and look with the eyes of men resolved to do their duty.

We particularly instruct you to attend the elections in your districts, and to be active in performing the duties prescribed by the general election law of 1839. The peace and order of elections must be preserved, and you are designated by that law to perform that high duty. Though disturbances of the peace are not uncommon at elections, we cannot remember an instance of any return of such violation of the law ever having been made by a Constable since its passage. We have only to say to you, that if hereafter it shall appear to this Court, that any Constable has failed to give the proper information, we will direct an indictment to be preferred against him for neglecting his duty in that particular—and if he should be convicted we will by no means impose a nominal fine upon him.

There is another matter, as to which you are required to make returns—and as to which a very loose way of swearing has grown into fashion.—We refer to the condition of the public roads and highways, in your several districts. The duty of a Constable carries him into every nook and corner of his district, more frequently, probably, than any other resident—and so his opportunities of acquiring information on this subject are better than those of any other man. Now the roads in many places are not only bad, they are dangerous—and yet we never heard of anything, indicating such a state of things, in your returns. It is true that there are no absolute standards of good and bad, and that there may be very various opinions as to what in any given case constitutes those qualities. It has often been observed that persons in office seem to have two pairs of eyes—the one official, the other natural—seen through which the same object presents itself in very differing shapes and colours. We advise you, as honest men, to look at things only through your natural eyes—for you are not at liberty to think and believe one way upon their evidence as men, and to act and swear in a manner diametrically opposite as officers. Of old it was objected against a certain class of persons that they had eyes to see yet saw not—ears to hear yet heard not;—we hope that you will make such a use of your senses as not to incur a charge of that kind. Go into your districts and look after your roads—see that the drainage of them is as good as can be reasonably obtained—see that the crest of the road is well raised—that the gutters are kept well open—that the finger-boards are kept up and are intelligible—and *when you have looked after these things*, then make your returns as to them and not before.

You are officers, sworn faithfully to execute all the duties of the Constableship. And lest that solemn obligation should fail in constraining your consciences, the law has imposed various penalties upon wilful or corrupt neglect of your duties, to engage you by considerations of mere worldly interest to their faithful performance. You act, then, under the double sanction of Religion and of the Law, and when you fail in the correct discharge of duty, you incur the penalties of violating these high obligations. The slow hand of human justice may never vindicate your breaches of the human law, but for your broken oaths there will come a day of reckoning so sure as that God, whom you have called to witness them, lives to punish their violation. But do not trust too much to the slowness of human justice—it may overtake you when you least expect it, and rely upon it, when it does overtake any one who is guilty of official misconduct, that one has nothing to expect from this Court. Our discretion in punishment will carry us at once to the heaviest infliction.

As has been said, we believe that you are honest men, and, so believing, we shall expect you to act as such. Your office, if rightly administered, may make every one of you a public benefactor. You can do more positive good to the community, by an active, vigorous, conscientious discharge of your official duties, than any other class of officers whatsoever. If you will be on the alert and will but do your duties, the law has invested you with ample powers to break up the haunts of vice and crime, which are established in every direction, and which are poisoning the morals of society. Again we would exhort you to be bold and fearless. The miscreant, whom you will have to encounter, will doubtless raise a fearful outcry—but regard them not. The Court will stand by you—and every decent and honest man in the communi-

ty, and they are yet, thank God, a vast majority, will stand by you. The Americans people love to see their officers, of whatever grade. from the President down, *assume the responsibilities of their offices.* You have taken the office,—take its responsibilities. In doing so, you will derive a strength from your own conscience and from the approbation of the people, which will enable you to overcome all opposition to your discharge of duty.

DANIEL WEBSTER.

Below will be found the proceedings of Court in reference to the death of the Hon. Daniel Webster. The remarks of Judge Jones are among the most beautiful and appropriate of the numerous tributes paid the memory of this illustrious man, and are stamped with the good taste and force of thought for which the Judge is distinguished. It affords us pleasure to present them to our readers.

Proceedings on the Death of Daniel Webster, in the Court of Common Pleas of Berks County, Nov. 3, 1852.

JOHN S. RICHARDS, Esq., after some appropriate remarks, submitted the following preamble and resolution:

WHEREAS, Since the last meeting of this Court, intelligence has been received of the death of the Hon. DANIEL WEBSTER, of Massachusetts, Secretary of State of the United States.

Resolved, That in his death the country has lost one, who, by common consent, has stood pre-eminent among her citizens in intellectual greatness, distinguished as he has been for lofty patriotism, eloquence unsurpassed in ancient or modern times, profound learning and talents as a statesman and jurist, unequalled by those of any other living man, and that as a mark of respect to his memory, this Court do now adjourn.

This was followed by the following remarks by His Honor, Judge JONES:

It is fitting that the profession, which Daniel Webster so eminently adorned during his long life, should everywhere, throughout the land, pay due honour to his memory. He was no merely local lawyer—not merely the ornament of the Massachusetts Bar; he was more than that,—he was, in the broadest sense of the term, an American lawyer—nay, more even than that, he was a world-lawyer.

It was his high destiny to stand forth on the ramparts of the constitution, its most puissant defender; it was his still higher destiny, in the great office which he twice filled, to present to the world and to defend at the bar of human opinion, the American construction of solemn treaties and of the law of nations. How surpassingly he fulfilled that destiny, his country and the nations know. His constitutional arguments and his state papers are such creations of genius as no lawyer has ever yet left to alter times. Their massive force and strength are wreathed in such beauties, that we are lost in wonder when we consider that this Titan of thought was also the most consummate master of its utterance. Antiquity, in the severe and sublime simplicity of her grand exemplars, yields to our adoring veneration no one orator who was superior to Daniel Webster—I say it, thinking of every one of the mighty dead, thinking of them with a preoccupation of reverence not easily to be disturbed.

This illustrious lawyer, who, by ~~his~~ endowments has reflected honour upon the profession, is dead, leaving to it the legacy of his lofty fame, of his bright example. That example should not be lost to the profession. In centuries it may not produce another Webster, but it would take another and a higher character of its own, if its members would emulate the habits of his professional life. The noblest monument that could be reared to his glory, would be a profession fashioned after his high standard of ~~learning~~ learning, of industry, of honour.

Regarding this eminent man in these points of view, this court assent to the motion by which it is intended to pay the feeble tribute of the respect of this Bar and Bench to his memory, and orders these proceedings to be entered on record *in perpetuam memoriam.*

KEEPER OF THE PRISON.

The rumor noticed last week, that the Judges of the Court had rejected the appointment of Mr. GRAEFF, of Kutztown, as keeper of the Berks County Prison, made by the Inspectors, turns out to be true. We called at the office of the Clerk of the Sessions yesterday, and procured a copy of the document. The admirable views which it embraces, will meet the hearty approval of every citizen of the county who has its true interests at heart:

To the Inspectors of the Berks County Prison:

The Court of Quarter Sessions of Berks Co. has received the nomination, which you make to it, of Jacob Graeff, to be the keeper of the Berks County Prison, and, having considered that nomination, refuse its approbation thereof.

In order that the Inspectors may understand what qualifications the court will deem of essential importance in that office, the following views are submitted to their consideration:

Inasmuch as from commendable motives of economy, the number of officers of the prison is reduced to the lowest possible degree, it becomes indispensably necessary that they should be efficient in the highest possible degree. Within the past year the prison has been full or nearly so. Under the system of separate confinement of each prisoner, it is obvious that the supervison of so large a number would tax the physical energies of the two officers to the utmost.

The place of the keeper of such a prison, so officered, pre-eminently requires a man in the very prime and vigor of life—with a body capable of enduring great fatigue, and with an arm, capable by its unaided strength, of reducing a refractory prisoner to obedience, with an energy and spirit in his carriage which will inspire fear and respect. He has to deal with the most desperate villains, who are constantly measuring him in their minds, and who have an almost intuitive sagacity in discovering his weak points. He is the subject of all their thoughts—for they know well that the whole character of the discipline of the prison comes from him. If they are discontented, mutinous, their acts of insult, of insubordination, of violence, will be directed towards him. To deal with such persons requires in a Keeper a man not only of great physical energy, of promptness and decision of character, but a man whose most prompt and rapid action is always under the control of a judgment unclouded by passion. He must be stern, bold, quick and cool.

In addition to these qualities he must be a man of some mind and education. The mere work of keeping the prison books, both the register of the prisoners, and those of account, is full of complication and difficulty. Let any one look at these books, and see what is required to be entered in them, and he will be satisfied that to keep them properly, the Keeper should be a man of good sound English education.

The Pennsylvania Prison Discipline is the greatest glory of the State, for Pennsylvania, first of all human governments, conceived and attempted to realize the idea of *reforming*, and not merely *punishing*, the transgressors of the laws. The system is yet only an experiment, whose ultimate success, though still denied or doubted, carries for it the prayer of every right-thinking man. Here, in the State to which it owes its origin, it is our bounden duty to do for its success whatever lies within the scope of our ability, and in nothing can we so much promote that success, as in the selection of officers competent to manage prisons upon our system.

The Keeper of such a prison should have nothing in common with the jailor and turnkey under the brutal system, which formerly prevailed. To knock a prisoner down, to address him in language of blasphemy or insult, to spurn him like a dog, to see merely that he was safely locked in, and that he got his food, to have his body forthcoming at trial—these were the acts and duties of the old Keeper. All that has changed, at least in Berks, and in a few other counties. The law in these counties recognizes the prisoner—the convict—as a man, who may possibly be turned from the career of crime, and restored, cleansed of its leprosy, to society. The Keeper of the prison is to be the principal agent in this great and good work. And to be an efficient agent he should be a man of enlarged and liberal mind, acquainted with the secret springs of human action, with a keen eye for reading the characters of men.

There are other important characteristics to which it is not necessary to allude. Having expressed thus much, we put your body upon inquiring into the indispensable qualifications of a keeper of a prison, like that committed to your supervision. We feel that it is enough to do this.

It may be said that it will be diffieult—even impossible—to find a Keeper endowed as we have indicated that he should be. Take time for the selection. Make inquiries for the proper man; and be assured that *you* will be much more likely to find such an one, than that *such an one* will ever be likely to find you.

J. PRINGLE JONES, Pres't. Q. S. Berks.
DANIEL YOUNG, Associate Judge.
Reading, Feb. 19th, 1853.

Mr. GRAEFF, we are informed, was *again* elected keeper of the Prison, at a meeting of the Board of Inspectors held last Thursday. This looks warlike.

Graeff was again elected, & some one stole pretense of saving his feelings, and resigned in order to avoid another rejection, which was made the instant his renomination came to hands. If it had come to any further issue an arrest would have taken the prison, it's arms, out of the hands of these Inspectors, and would have put it into the custody pro tem: of the Sheriff.

The Berks and Schuylkill Journal.

READING, NOVEMBER 12, 1853.

JUDGE JONES' CHARGE.

THE SUNDAY LAWS.

In various ways the action of this Court has been invoked to restrain, or rather to prevent the sale of liquors, in licensed taverns, on the Sabbath day. At one time a petition,—at another, an anonymous letter,—again some anonymous recommendation in a newspaper, are the modes by which we are invited to act.

That this matter may be set at rest, so far as the Courts in this county, as at present constituted, are concerned, we invite your attention to an exposition of our views upon the subject. Whether they are right or wrong, in the estimation of any respectable portion of our fellow citizens, it is not for us to consider; we have no hope, that were we even speaking with the tongues of angels, we could command universal assent to them; it is enough for us to know that they are the deliberate convictions of our knowledge and of our conscience,—enlightened in such degrees as they may be—and as such we submit them, that the people, who have placed us here, may be informed as to the principles by which we are governed. If they are acceptable to that people, it is well—if they are not, they still will be our rules of action, for we would be unworthy to sit here, were we to yield up our convictions of right and duty at the bidding, or in fear, of any earthly power.

Respect for the Sabbath is an ingrained feeling of the American heart. That the feeling takes a severer form in this, than in any other, Christian country, is as readily admitted as it is easily explicable. The older colonies, for the most part, were founded by God-fearing, God-loving men, with whom belief in the word of God was not only the assent of the reasoning faculties thereto, but was an absorption of that word into every affection of their hearts and souls. To know and to do the will of God—this was with them the supreme duty of the Christian man and of the Christian state. To enable them to do that duty, according to their high conception of it, they left the lands of their birth, and here, in this howling wilderness, frowned on by man, smiled on by God, they sowed the seeds of empire.

With those fathers of ours there was a disposition to observe the Sabbath with a strictness, scarcely less than Jewish. The laws of all the colonies evinced that spirit. It was impressed upon the people, by the irresistible, three-fold action of domestic, churchly, and legislative authority. It sank into their hearts. It has been transmitted, ever diminishing, it may be, in its influence by obviously disturbing causes, from generation to generation, until it has reached these times. The American people still respect the Sabbath, but not with that trembling alacrity of love and fear with which our fathers remembered to keep it holy.

Who will deny—who will even doubt, that the greatness of this people is founded in the religious character of the early colonists? Nay, more than that, I affirm it as my belief, that that character is the vital principle of the Republic—upon the extinction of which, the Republic itself will not long survive. Mere political institutions never made a great people. What makes that, and what alone makes that, is faith. The very falsest faith is better than none at all.

Our fathers struck for the sublimest right of man—for free religion. They won it. But it will have been won in vain, if that freedom ever leads their posterity to wander far off from the straight and narrow Bible paths in which they trod. Their idea of all freedom, was simply of that kind which is illustrated and set forth in the Holy Scriptures. That is the freedom which they endeavored to secure to all after time by those laws and constitutions, under which it is our happiness to live.

If the religious character of our fathers is the vital principle of the Republic, it must be remembered that in the moral, as in the physical world, there is a growth, decay and death. As man perishes, so perish the works of his hand and of his head. We can take no bond to bind the future.

Are we this day treading the straight and narrow paths our forefathers trod? By no means. What people ever confined itself within the wise and severe restraints of its early lawgivers. If any people had ever done so, through the ages, that people had been the master of the earth. But the life of every great people is bound up with some high purpose of heaven—it developes some progression of humanity—and, having fulfilled its mission, its greatness passes away forever. It was great only as an instrument of God's will, working through a human agency. He, that reads history aright, can trace God's finger luminously marking out the line of human progress through the thick darkness of the past, and to his vision the radiations from that finger seem even to pierce the future.

In two hundred years, how much have they of New England fallen away from the sternness of their Pilgrim fathers—how much have we, in a shorter time, departed from the simplicity of our great founder? And so every where over this Atlantic coast. The moral changes are scarcely less startling than the physical. It could not be otherwise. All severity ends in relaxation. The discipline of the early times, in the family, in the church, in the State, would be impossible now—but though impossible, it is still felt, and is still a living principle of action. It is with the State as with the man—the discipline of his boyhood is not possible when he attains his manhood, and yet that discipline is felt through the longest life, influencing every stage of it, for good or for evil; and precisely as that discipline was wholesome and rigorous, will its influences upon the after life be good, and as it was unwholesome and weak, so will they be evil. We may thank God that our national infancy was one of sorrow, toil and suffering—its chastenings are the manifest proofs of His love.

We cannot now go back to the virtue and innocency of those early days—it is enough that we have not lost all their brightness. The world has never seen the race of youth run more gloriously by any nation—but we owe it all to that early discipline—all that we have been—all that we are—all that we may become. We see this—we feel it. We know that if we could, this day, imbue the heart of every American citizen with the Bible virtues of our heroic age, we would be, as we would be fit to be, the master people of the earth. Whatever greatness we have we owe it all to those Bible virtues; to our living as a people, still measurably, in the love and fear of God—seeking to know and do His will. It is the impress of our colonial fathers upon the mind and heart of the nation, effaced somewhat by the wear and tear of time, but still distinctly visible. It is the impress we must carry through the days of our life—be they many or few.

It is thus that respect for the Sabbath is an inherited feeling of the American people. They love the institution of the day for all the manifold blessings, which its true observance brings upon them—they love it because their fathers loved it—they love it because it is set apart by God for their necessary repose. Their reason sanctions their love—for they see, that just in proportion as the Sabbath is honored of a people, that people prospers, and is free, and is happy. Hence the severe observance of the day in this country, which glories in a prosperity, freedom and happiness, such as have never been enjoyed by any other people, save only one, in any other age.

And now, gentlemen, we will show you the very monuments of that pious spirit of our forefathers—the proofs, that they have spread upon their statute books, that they knew on what foundations to build a State. It has grown to be a fashion of these times to speak lightly of those grand men. Our own peerless Penn, over whose grave have gathered the shades of 135 years, whose titles to the veneration of mankind have been solemnly asserted, in words of burning eloquence, by all the illustrious leaders of human thought in the last century—by such men as Montesquieu and Filangieri—even his reputation has been assailed by the wanton spirit of modern history. Sitting here, administering justice in a court of his own Pennsylvania, I would not so much insult the freemen and suitors who are in attendance, as to attempt the vindication of his memory. That pious duty has been triumphantly performed. But I will say that when the brilliant libel on his fair fame, nay when the very language in which it is composed, shall have been forgotten, the name of Penn will be revered as of that man who combined, in rarest union, the characters of the legislator, the philosopher and the christian.

The royal charter to Penn was issued on the 4 March, 1682. On the 25 April Penn published the "frame of government" of his province, and on the 5 May "the laws agreed upon in England" between him and his colonists were duly signed by him and by them. Those two last named documents are worthy of the gravest consideration, for beyond all controversy they are a perfect embodiment of those Democratic republican principles of government, which, a century later, were vindicated by the American Revolution. If Napoleon was right in thinking that his most certain title to the veneration of posterity was his code of laws, which regulated the relations of man to property and to his fellow-man—how much more imposing is the title of William Penn, whose legislation solves the higher problem of man's relation to the State.

No man can read the preface to that "frame of Government"—no republican man—without feeling that its author was really, truly great. It is the first real application of christianity to government, in human history. Ambition, bigotry, fanaticism, perverting the gentle spirit of Christianity, had throughout Christendom, in ways more or less atrocious and blasphemous, invoked the authority of the Divine Teacher for their outrages upon the rights of man. But here, in this frame of goverment, and in these laws for the first time, are we taught the true relations of our Religion and our rights.

There are two conclusions arrived at by Penn, which of themselves are maxims of the highest wisdom—which should be graven on the hearts of our people—the utterance of which in antiquity, had been consecrated as an inspiration of the Gods. Any government, says he, is free to the people under it, whatever be the frame, where the laws rule, and the people are a party to those laws. Again, he says—the great end of all government is to support power in reverence with the people, and to secure the people from the abuse of power. At this day, these truths may seem self-evident, but when they were announced, even in England, they had never been affirmed in practice. At that day no people in the world had learned more than that the laws should rule, and that they should support power in reverence—they had learned only the king's side of the maxims—to Penn belongs the immortal honor of being the first practical teacher of the people's side of them.

From a law-giver of the temper and disposition of William Penn, we might well expect a distinct recognition, upon the face of his laws, of the dependance of man, and of all the works of his hand, upon "the creator, upholder, and ruler of the world." And we accordingly find it so. He expressly declares that "to him government seems a part of religion itself—a thing sacred in its institution and end." But whilst he makes government a part of religion, he is most careful and express not to make religion a part of government. In that he stands out in the noblest relief—but not alone. He and Cecil Calvert, and Roger Williams, men who looked at Christianity from the most opposite stand-points, agreed in this—that religion was not an affair of government, and each of them impressed that great principle upon the commonwealth of his foundation—they earlier than Penn by half a century.

Whilst our founder was thus careful not to interfere in matters of religion, leaving that, as it alone ought to be left, to the conscience of each individual, he was keenly alive to the importance and necessity of upholding public

morals, and giving to their support the sanction of the law. Touching this, it is declared that as careless and corrupt administration of justice draws the wrath of God upon magistrates, so the wildness and looseness of the people provoke the indignation of God against a country, and was therefore enacted that all such offences against God as swearing, cursing, lying, profane talking, *drunkenness*, &c., incest, whoredom, fornication, &c., all treasons, and other felonies and violences to the persons and estates of the inhabitants, all prizes, stage-plays, cards, dice, may games, masques, revels, bull-baitings, cock-fightings, bear-baitings, and the like which excite the people to rudeness, cruelty, looseness and irreligion, shall be discouraged and severely punished. And accordingly these matters were the subject of the earliest Colonial legislation.

As intimately connected with public morals, the necessity of a decent observance of the day of rest is particularly insisted upon in section 36 of the laws agreed upon in England in May 1682. The words of that section are these: —"That, according to the *good example* of the primitive christians, and for the *ease of the creation*, every first day of the week called the Lord's day, *people shall abstain from their common daily labor*, that they may the better dispose themselves to worship God, according to their understandings." So that before Pennsylvania had any existence as a policied State, other than upon paper,—while it was yet a wilderness inhabited only by the red man,—before the first cabin of the white man had been reared within its chartered limits,—our founder and our fathers, before they had yet left their native land, consecrated this observance of the Lord's day as a fundamental principle of the State they were about to found. And that principle has never been departed from.

As I have said, our religious observance of the day may have diminished in the lapse of time. One hundred and seventy-one years may well be supposed to have produced such a change. But the principle of remembering the Sabbath day to keep it holy, is still dear to the hearts of our people. It is true that in the fervour of the Revolution, in the throes and agonies that preceded the birth of empire, this holy day was sometimes devoted to the great secular interests of the people. A memorable instance was the session of the Provincial Conference on Sunday, the 23d June, 1776, which placed Pennsylvania in position to adopt on the next day a "unanimous declaration of her willingness to concur in a vote of the Congress, declaring the United Colonies free and independent States." Be it remembered, with honest pride, that that well spent Sunday—well spent in teaching the great lesson that rebellion against tyrants is obedience to God—preceded the 4th July, 1776, by eleven days. *There* was an emergency, which illustrated the divine teaching that the Sabbath was made for man, not man for the Sabbath.

In 1705 the Legislature passed an act to restrain people from labor on the first day of the week. The section of that act, with which we are more immediately concerned, is the fifth. That section is unquestionably in force, and it may behoove persons, whose practice contravenes its provisions, to bear it in mind. The first, second, third and sixth sections of that old act have been supplied by the act of 1794, for the prevention of vice and immorality. In the fifth section of the act of 1705, drinking and tippling in ale houses, taverns, or other public houses on Sunday, is made an offence, punishable by a fine of twenty cents—and constables are empowered *and required* to search public houses and places suspected to entertain such tipplers, and them, when found, quietly to disperse, and, in case they refuse to disperse, to bring them before a justice of the peace, who may bind them to their good behaviour.

These provisions impose an active duty on the Constables, of their performance of which, however, they are not required to make any return to this court. Whether they perform those duties, required by that act, it is not for us, *ex officio*, to inquire. On their return here, at the first day of the session, they return only such persons as sell liquor by less measure than the quart, without a license so to do. Now a tavern keeper, who sells liquor on Sunday, has a license to sell, and his act is a violation of the Sunday laws, not of the license laws. The constable has nothing to do with returning that, nor could we have any thing to do with it, if he should return it. The jurisdiction is elsewhere.

If a Constable will not perform his duties under the act of 1705, or under any other law, any private citizen may make complaint of his non-feasance or misfeasance. But that complaint must be made in a regular way—prescribed by law. We can take no notice of any other. We have no contrivance in this country, like the Lion's mouth at Venice, into which secret, annonymous, irresponsible accusers may cast their charges, and call upon men to answer. If any man has any cause of complaint against an officer let him make it under his name and oath, as all American law requires it to be done, and his charges will be investigated.

It is supposed that we might command the constables specifically to enforce the provisions of the act of 1705. It is their duty to do so, as well as to enforce all other laws. If, however, we made such an order, how could we compel obedience to it? That is the touchstone of the legality of such an order. We could not require a return of their proceedings —and they might obey us or not, as they pleased. It seems to us that a court should never command, unless it can compel obedience to its mandates.

The proceedings under the act of 1705 are before a Justice of the Peace, and can only reach this Court upon certiorari to him, which is a writ of error to his proceedings and enables us only to review such errors of law as are patent upon the face of his record. The law of 1705 furnishes a system of remedies against tippling on Sunday—both against buyer and seller, and even against persons who are at tippling houses and refuse to disperse when commanded. A tippling house being any place where liquor is unlawfully sold, it follows that, if it is unlawful to sell it even in

a licensed tavern on Sunday, a tavern keeper so offending, on that day at least makes his house a tippling house. It becomes a tippling house, not as against the license, but as against the Sunday laws.

The tavernkeeper who contravenes the law of 1705 incurs a fine of ten shillings—a part of that law, which appears to have been supplied, as to selling liquor on Sunday, by the act of 1794, under which the penalty for so doing is four dollars. Under this latter provision the Supreme Court has very recently decided, in the case of Omit vs. the Commonwealth, that a licensed tavernkeeper is liable to a fine of four dollars for selling liquor on Sunday to a traveller. That decision settles it, beyond all controversy, that liquor, whether spirituous, vinous, or fermented cannot lawfully be sold in a licensed tavern on the Sabbath. The sale of either of those kinds not being a work of necessity or charity, and not being permitted by any proviso of the act of 1794, is therefore a worldly business, which is forbidden, under the penalty prescribed. That being the law with regard to taverns, much more strongly is it the law with regard to wine houses, and beer houses, which have no cloak of necessity or charity, to cover the nakedness of their Sunday sales, such as the tavernkeepers fancied they had until the Supreme Court stripped them of that decent apology for a garment.

The penalties and remedies for the violation of the Sabbath, in this particular of selling selling liquor, are all provided in these two acts. It will be observed they all lay outside of the original jurisdiction of this court—and we have no power to control or direct their employment. The imposition of these penalties, by the modes of proceeding indicated, satisfies the law—and beyond that we dare not to go. Whatever jurisdiction we have under the act of 1794 is conferred upon us, individually, as magistrates—and not upon us, collectively, as a court.

But it is suggested that the court might interfere in aid of the law, as well as of good morals, by ordering taverns not to sell liquors on Sunday, under the pain of *forfeiture* of license. It is true that the annual renewal of a license is a matter purely of discretion—we may renew it or not, and our action is not reviewable. But after having granted it, during the year when it is running, the revocation of it should be ouly for some legal cause, other than one for which the law has affixed another and a very different penalty. The Legislature has contemplated the revocation of a license, and has prescribed it as a penalty, and in some cases as a cumulative one, in the licence law of 1834. Thus in § 27 of that act conviction of any offence not mentioned in the act, suffering drunkeness, riot or other disorderly conduct–and in § 20 allowing gaming &c., are named as causes of revocatiou. The "conviction of any offences not named in the act," whereupon revocation is a cumulative remedy, is conviction in court of some felony or misdemeanour, and does not, we conceive, apply to a summary conviction under the Sunday law, which can only be before a Justice, or a Judge, acting as a Justice, and not as a member of the court. The conviction should be before the court which revokes the license, or in some other court of record—which a conviction under the Sunday laws cannot be. The Legislature seems thus to have ascertained the causes of revocation, and not to have left them entirely to the discretion of the court. The granting the license is matter of discretion—the taking of it away whilst it is running, is not. We are agreed that we could not forfeit a license for disobediance to such an order.

Shall we say that we will not *renew* the licences of such as sell liquors on Sunday? That has been suggested as a remedy, and, certainly, it has the merit of violating no existing right. It is, perhaps, the only way in which the object had in view can be attained, in a legal manner, through the action of the court. Upon the petition to renew the license, at the expiration of the year, the court may exercise an absolute discretion in the matter—and may establish, by rule, almost any prerequisites to the granting of a license, beyond those specified in the act of 1834, that may seem good.

But we think that, greatly as the observance of the Sabbath is to be respected, it is not to be enforced by rule of court. The observance of the day, other than as it is enforced by direct statute law, is a matter of conscience. The law, which is the expressed conscience of the State, has with great caution and mildness laid down a limited rule of observance, to which it enforces obedience by moderate penalties—and we have no right to lay a feathers' weight of legal pressure upon the conscience of any man, to compel his performance of a religious duty, beyond what the statute prescribes. If we were to adopt such a rule, it would be a penalty in addition to that of the act of 1794. It is true, our action could not be reviewed—we have the power to make such a rule—but the power to do wrong does not justify the doing of it.

We yield in respect to the Sabbath to no other court in the land—what we affirm as judges we feel as men. The relations of law and religion are of the most delicate nature in these States—where the wideness of our toleration has fostered the most conflicting sentiments and opinions. Administering the law, it is our most sacred duty not to set up the convictions of our own conscience, as to any question growing out of those relations of law and religion, as a measure to which other men must submit. It is for us in such cases to stand by the plain letter of the law—neither to add to it, nor to take from it a jot or a tittle.

Other courts exercising the same jurisdiction we do, better informed it may well be than we are, Have viewed this question differently. Their action has induced us to consider well our own. We are led to different conclusions, not without distrust in ourselves; but believing them to be right, we have no other course than to adopt them.

The principles of this charge were approved by Chief Justice Black & Judge Lowrie of the S. C. while sitting on the disapproval of others.

REPORT

OF THE INSPECTION of the Alms House, by the Judges and Commissioners and Treasurer.—9th Febuary, 1854.

In past years the Court used to appoint a board of visitors, or, occasionally to send out a grand jury, to examine into the condition of the County Poor House. Neither of those modes proved to be entirely satisfactory, and for the two last years there has been no official visitation of the institution. On the day before yesterday, in the afternoon, this matter became the subject of some conversation, between some of the Commissioners and Judges, and it was resolved that without any notice whatever of our intention, to the officers of the establishment, we would inspect the Poor House on the morning of this day. We are entirely satisfied that no notice of our coming preceded our visit, the result of which we proceed to lay before the people.

We passed through every apartment in each of the buildings,—every ward, chamber, store room, kitchen, cellar. We went through the bakery, wash house, and meat room: we examined the food of the inmates in its cooking, we saw it upon the tables, we saw them eat it: we examined their beds and bedding, their clothing: we talked with them freely, and unrestrained by the presence of the officers, and what we observed and heard, we take great pleasure in laying before you.

Our attention was first directed to the chambers of the inmates. Upon going through three or four, we could not realize the fact that we were in an Alms house. The chambers were so thoroughly aired, the floors were so clean, the beds were so neatly made, everything had such an air of comfort, order and decency, that these apartments seemed rather like the dormitories of some private hospital than those of a public institution devoted to the poor. The mind could not divest itself of a suspicion that these might be *show* rooms, but in the end we discovered that these rooms were much below the average neatness of the rooms in the female department. They were men's rooms. In the women's rooms we were impressed with the fact that, even in the extreme destitution of pauperism, the taste with which woman adorns and embellishes life, is not altogether extinguished. A little picture, a glass or vase of flowers, the tasteful arrangement of some small articles upon the snow-white table cover, a piece of carpet, or a polished stove, gave to these women's rooms an appearance of home comfort that enlivened and cheered even an abode in a poor-house.

When we considered how various were the previous habits of all these poor people, and how little the extreme poverty which brought them there was calculated to develope habits of order, such as we were admiring, we could not but fear that they were perhaps compelled to these good habits by a system of oppressive discipline. But their happy smiling faces banished such an apprehension. And of the many whom we closely questioned as to their comfort and happiness, not one expressed a feeling of discontent or dissatisfaction with any practice or any officer of the institution. This is very persuasive testimony to the humane treatment of these unfortunates by their governors.

A large proportion of the two hundred and thirty-five inmates, are very aged persons. Many of these have probably seen better days. They are all very tenderly cared for, their rooms are all warmed, large, rarely with more than four occupants; their meals are brought to them. We were in these rooms while they were eating, their food was good and abundant. We could not but think, after leaving these hearty, happy, merry old people, how much better off they were than many a weak old man of property who has staked the comfort of his last days upon the uncertainties of an *ausbehalt*.

We observed with pleasure that much attention is paid to the personal cleanliness of the inmates. Their clothes were decent and kept in order. The bright shining faces of the children, their joyous elastic carriage, their remarkable neatness, more than any thing else prove the good government of your poor house. As an ordinary thing, the poor-house child is the most forlorn of the outcasts of society;—his unkempt head, his unwashed, grimy face and hands, his filthy ragged clothes, his look of care and sorrow beyond his age and strength to bear, all tell how wickedly a poor house is mis-governed, and how, standing on the outskirts of humanity, these children, for whom society is answerable to God, are cared for less than the beasts that perish. It is not so in Berks. We were pleased to see that many of these children are attached to kind old women, between whom and themselves there had sprung up a relation as between child and mother;—they were with them by day and night, and are, beyond all doubt, a great mutual comfort to each other.

In the whole management of the poor house, we observed nothing that we could condemn. The same order and good management that we have praised in the rooms and wards, pervade every department. The kitchen was as cleanly, and the cooking as well ordered as in any private house—the bread, which we tasted, *was as good as bread can be made*,—the vegetables were of the best kind, the meat was good and distributed into liberal rations, the platters, and knives, and spoons as clean and bright as any one could wish. The food was wholesome, well-cooked and abundant, and was served up decently. The bakery, the meat-house, the store room, exhibited the all-pervading neatness and order. There was a place for everything, and everything in its place.

In passing through the buildings we were shown into two rooms, which have never been properly used for the purposes to which they are dedicated. These rooms are the *Chapel*, and the *School*.

Upon inquiring how often they had religious services there, we were pained to hear that there had been none since last September. Society owes something more, we take it, to its unfortunates than merely to care for their bodies. The consolations of religion should be freely offered to them who in this life have

'other refuge none' than in the charity of man and in the love of God.

If human charity is cold, as at the best it is, let us not withhold from them the knowledge and the hopes of that other and better world, to enter upon which this is but a preparatory stage. The State has provided for the religious, or as it is called rather, the moral, instruction of its convicts.—What greater claims to this wise care does the criminal present than does the pauper? It is because the criminal is restrained of his liberty that this instruction is brought to his cell. In like manner is the pauper restrained, as well by the necessary discipline of the poor house, as by infirmities. He has a soul, with as great capacities for eteruity, as that of any other and more prosperous brother. And we are besides our poor brother's keeper, for our care of whom, soul as well as body, we too must answer.

The humble ministrations at the lowly altar of a poor house chapel we can readily imagine offer few attractions to a volunteer supply of them. But aside from that, what right has society to expect that its always ill-paid clergymen should not merely volunteer upon this service of their Master, but in doing so, do it at their own expense? Have not the clergy of Reading more to do within their immediate cure of souls than they can find strength or time for? Is not this poor house, with its teeming population, a field of labor that would fully occupy the whole time of any zealous, hard-working, servant of God? This duty is not to be put off in that way.

As connecting itself with this subject we would say a few words about the school. What a sad sight is a poor house school, presided over by a pauper teacher! Any vagrant that can read and write, no matter how he may rock with sin and vice—no matter how profligate and abandoned he may be, is put in authority over the wretched children. To-day he sits awful in his school, to-morrow he runs away—on the day after he is picked up drunk by the road-side, and brought back —he is hobbled or dungeoned for a few days, by way of punishment, and is then, perhaps, re-instated in his school. We do not say that such things *are*—it is enough that they *may* be, or that they *have been*. When we looked at these children, among whom were some of singular brightness and intelligence, our hearts sickened as we thought of the dreadful destiny that awaits them in this world, to say nothing of the world to come, brought up in profoundest ignorance of all good learning, human or divine.

Thinking of these things, looking at that deserted chapel, and at that worse than deserted school, remembering that the noble people of Berks, in whose name, and as whose servants, we were inspecting their poor house, are a christian people, we thought it was our duty to bring this spiritual destitution of their poor, who beside our's may have no other voice raised in their behalf, to the knowledge of that people. It occurs to us that the wants of the chapel and the school might be readily supplied by some clergyman, acquainted with both languages—capable of both duties—and that at a very reasonable remuneration. We leave the subject to the proper authorities, with the strongest commendation of it to their favorable consideration. That what we propose is novel, and may not have been done elsewhere, is indeed an argument in its favor —for, if it has not been done elsewhere, it will be a crowning glory of 'Old Berks' that *she* led the way in so good a work.

It does not occur to us that there is anything more to be said, except with reference to the men's ward in the basement of the main building. The cells are very small, and seem to be still damp. It would be an improvement if the insane and idiotic could be removed from so close a contact with those who are merely sick or chronically affected with diseases which do not confine them to bed. There is want of space for their separation at present, but it should be made at some early day.

We cannot close these observations without congratulating the people of this county upon the general character of their poor house. Many years ago it elicited, as it deserved to do, the highest praises of that most competent and distinguished observer and lady —Miss Dix. She said in her report that it was the very best establishment of the kind in the State. If she could see it at this day, under the management of Mr. Conrad, the Steward, and of Mr. Beumeuer, his assistant, and their excellent wives, she would think and say that it deserves that proud preeminence over every other such an establishment in the Union. The Directors have been happy in securing the services of these officers, who in every particular seem to be doing their whole duty to the institution and to the public.

J. PRINGLE JONES, President Judge.
DANIEL YOUNG, WM. HEIDENREICH, } Associate Judges.
JOHN M'GOWEN, BENJAMIN KUTZ, JACOB YOUNG. } Commissioners.
CHARLES VAN REED, Treasurer.
Reading, February 9, 1854.

CONVICTION AND SENTENCE OF LAWRENCE TEARNEY.

We last week reported the case of the Commonwealth vs. Lawrence Tearney, so far as it had progressed at the time of our going to press. To-day we are called upon to announce his conviction of MURDER IN THE FIRST DEGREE, and his sentence for execution at such time as the Governor may appoint.

Our readers no doubt most all recollect the circumstances of this case, involving the murder of the condemned criminal's wife in the most brutal manner. They resided in a small shanty on the banks of the Delaware river, perhaps half a mile below Easton, and had lived, for several years previous to the murder, in the most unhappy and wretched manner. They were both addicted to intemperate habits, and were often seen to quarrel and fight with each other, and the unfortunate woman, at times for weeks, was seen with black eyes and a battered face. On the morning of the 23rd of November last, her dead body was found lying on the bank, in front of her own miserable hut, entirely naked, her head bruized, and the one half of her body most awfully burnt. Under the circumstances, the evidence was necessarily of a circumstantial nature, but his previous conduct, his frequent threats to take her life, and the perfect chain of circumstances attending her death, so satisfied the Jury that he had murdered her with deliberation and premeditation, that they were unanimous upon the verdict. The evidence went to show that he first deprived her of life, and subsequently tried to destroy by fire her lifeless body.

The case excited considerable interest in our community, and some trouble was found in the selection of a Jury. The men however who composed the Jury, were gentlemen of honesty, integrity, and honor, and so far as the impartiality of his trial is concerned, the criminal can find no fault.

Judge JONES delivered his charge to the Jury on Thursday evening last, and after they had been out scarcely half an hour, returned with the verdict as above stated. As each Juryman repeated the decision of their deliberations, the prisoner did not seem the least affected. No change in his countenance was visible, and neither word nor sigh escaped his lips. A motion for a new trial was made by his counsel, and argued on Monday morning last, but refused by the court, and the same day about noon the prisoner was brought into court to hear the final sentence of his fate. When asked what he had to say why sentence of death should not be pronounced upon him, he replied in a firm voice:—

"*Your Honor, I am as innocent of this murder as you are sitting upon that bench—and what I say here, I will say on the gallows.*"

Judge JONES then proceeded in a solemn and impressive manner to deliver the following sentence:

JUDGE JONES' SENTENCE.

LAWRENCE TEARNEY.—

In performing the final duty, which your conviction of murder in the first degree imposes upon me as the organ of this court, I will refrain from alluding to the circumstances attending the commission of your awful crime. Every, the minutest detail of them is impressed upon your memory and upon the public mind, with a distinctness which needs, as it could receive, no addition at our hands. The story of your guilt is too harrowing to the soul to be reviewed even on this occasion, when you are about to receive the doom, in which that guilt has involved you.

You are a young man, apparently not thirty five years of age, and yet, not having run one half of the allotted length of life, in the full flush of manhood, you have brought yourself by your own wilful deliberate and premeditated action to the wretched and unhappy position, in which you this day stand. From all that appears you had not proceeded far in the way of crime — you seem to have been a man, originally well disposed, industrious, peaceful, and kindly regarded by your employers and by your companions. The testimony of these shows, that, but for a single vice, you might well have reached an honorable and happy old age, and that, instead of going down from the scaffold to the grave of shame, your dying hour might have been consoled by the presence of loving friends and your final resting place have been bedewed by the tears of affection. But that one vice, Intemperance, which has hurled down to perdition more victims than any other form of sin, had so overcome you, that it had perverted every good and virtuous impulse in your soul. It hurried you forward from one step of degradation to another, subverting your character, brutalizing your disposition, breaking up the comfort and harmony of your humble home, urging you to repeated acts of injury and violence against your miserable wife; until at last it crowned it's work of ruin by exciting you to perpetrate this hellish murder. It is a sad—sad story this, pregnant with reproof and warning to all, who, like you, have given way to the indulgence in intoxicating drinks. You doubtless, never imagined that this vice would bring you to this extremity—nor

does any one imagine, whilst he quaffs the accursed cup, that he is drinking the waters of unutterable woe. Whatever is good in man it destroys—whatever is bad it developes.

Charged with the murder of your wife, you have thrown yourself, according to the old and solemn forms of the law, upon God and your country for trial. Twelve men, above all exception, indeed the men of your own choice, representing that country, have made deliverance according to their oaths between you and the commonwealth. A Jury more intelligent, more patient, more devoted to its duties, was never impannelled in this court.—For seven days that Jury gave itself to the consideration of your case—heard all the evidence you could adduce, all the arguments on fact and law your able advocates could urge in your behalf—and upon the oath under which it acted, that jury pronounced you guilty of murder in the first degree. We have carefully weighed well that verdict—we have heard what your counsel has alleged to move us to grant you a new trial and to arrest the judgment—but we have not been able to find anything that would warrant us in yielding to their motions. The only feature of the case, that in our opinion, could have warranted the jury in finding a verdict, that would not have touched your life was presented to the jury in terms most favorable to you.—The question was one of fact, and the jury has passed upon it.

From this day forth, then, consider yourself a dying man, and turn, with all the energy that such a consideration can impart to your soul, to God.—Though you be without hope from man, you may well and confidently hope and trust in Him, whose Son poured out his blood on calvary for the remission of all our sins. Human pardon for your crime let me earnestly impress upon you, is impossible. Indulge in no delusions of that kind, they will serve only to distract and to disturb your spirit, in preparing itself for eternity. Seek some faithful and holy father, and let him prepare you with prayers and penitence to pass the hour of your mental agony. Fix your heart and soul upon the cross—cling with confidence to Him who died upon it, and in that trying and dreadful moment He, who is true to all his promises, will not forsake you. The consolations of the Holy Spirit may descend as well upon the doomed felon, as upon the dying saint. Seek them and you will find them.

And now we proceed to pass the sentence of the law upon your crime, which is, that you Lawrence Tearney, the prisoner at the bar be taken from hence to the jail of Northampton county the place from whence you came, and from thence to the place of execution within the wall, or yard of the jail of the said Northampton county, and that you be there hanged by the neck until you be dead.

May God have mercy upon your soul.

—

The criminal did not seem in the least affected by this solemn charge, but listened to it apparently as cool and unconcerned as any disinterested person in the house. He is by birth an Irishman, apparently not over 35 years of age, and we understand formerly resided at Newark, N. J. He at one time was a sober, industrious, hard-working man, and was brought to his present condition altogether by intemperance, aided by the evil example of his murdered wife, at times when he *tried* to be sober and respectable. His countenance is not of a very intellectual caste, nor does it betray ignorance to any great extent. His career affords a fearful warning to the youth of our country, to beware of the intoxicating cup, that awful destroyer of earthly comfort, earthly happiness and eternal joy.

This man was tried at the April Oyer & Terminer of Northampton 1847 — My first Term on the Bench. He was ably defended by Mr Porter. At the scaffold he protested his innocence — But, if ever man was fairly tried and fairly convicted, and rightfully hanged, this man Tearney was he.

Jefferson Democrat. Reading. March 31. 1846.

LAW MAKING AND LAW REFORM.

March 31. 1846.

It is a truth, whose particular application we are beginning to realize here in the United States, that the world is too much governed. The facilities of legislation are so great that we legislate apparently more from mere wantonness than from any sane regard to the real wants of society. Every year the law-makers of this State give to the people, as the product of their labors, a ponderous octavo volume—containing in some five or six hundred pages, all manner of crude, undigested, vague, general or special rules of human conduct. We have seen forty odd consecutive volumes of this stuff on one shelf, and a more painful sight we never did see, except it were the dust-covered, worm-eaten folios of some scholastic philosopher or divine. Forty odd volumes of laws for a few people, and those laws increasing for all time to come, at the rate of one volume for every year! Whither does all this tend?

It was the device of some wretched tyrant in antiquity to write his laws in fine characters and hang them on high pillars out of the sight of the people. What better for the people are these forty odd volumes, these great chaff heaps of legislation, through which no human courage can force its way, than the small letters and high pillars of the tyrant? Our laws, which should be so plain and simple, so easy of access and so intelligible, that all could read and understand them, are buried from the people in a costly digest of more than one thousand pages—and these are only the general laws. The special laws, those by which more than two thousand corporations have been erected, those by which the most pernicious infractions of the common right have been sanctioned, these are scattered through the twelve or fifteen thousand pages of our annual pamphlets. Such is the legislation of Pennsylvania, glosses on which are contained in some sixty odd other octavo volumes of Reports of the decisions of the Supreme Court. How can any man know what are his rights and duties under such a system, when the very profession, devoted to the study of these rights and duties, is overwhelmed by the magnitude of the body of the laws and of its commentaries? All this is wrong. In remote antiquity, in those states which were governed by a written code of general laws, the children in the public schools committed the whole code to memory: the laws were not, like ours, contained in wordy statutes, but in plain and direct commands, which could as well be understood by the youth of fifteen as by the man of fifty. Thus every citizen grew up in the knowledge, in the fear and in the love of the law, and mankind has never seen states, whose people in these respects could be compared with the Greeks and the Jews. But their solemn codes, regarded as they were with awful reverence, were not tinkered once a year by a Legislature, that had to do something to make the people believe it was earning its wages. Their codes subsisted for ages, untouched in a letter, blessing and blessed by the people. This example of these remote ages is not without a parallel even in these times. The French Revolution, that brushed away so many abuses, among others brushed away by one brave vigorous stroke the whole accumulated special legislation of a thousand years, under which every petty village and district of France had come to have its own special system of law. In nothing did the genius of the greatest of the sons of men shine forth with a brighter lustre than in the part he took in that reform—for none of the signal benefits he conferred upon her, so much as for his CODE, will France, and indeed all Europe, so long bless the memory of Napoleon. And what is that code? The civil part of it—the grand regulation of man in all his relations, conceived in the most philosophical spirit, embodied in the clearest forms of language—may be carried in one's vest pocket. And indeed all Frenchmen seem so to carry it, for of all civilized nations the French is that one, in which the laws of the land are best understood by the people. To carry all our laws one would require a cart, to carry the general ones at least a bag, which puts them entirely beyond the reach of the people.

If our system entails upon the people ignorance of the law, that and its inevitable consequence, disrespect of the law, are not its only evils. It has another tendency which is rapidly developing itself.

Our statute books are filled, we have said, with special legislation. No two boroughs, for example, have charters precisely alike—no two corporations, for any similar purpose, but have singularly different powers—here a half dozen or more counties are excepted from the operation of some general law—there some townships are excepted in the same way—this year some municipal division demands and obtains a law peculiar to itself—next year some other ones improve upon this peculiar law, and obtain for their several improvements legislative sanction. Thus the general law is being, perhaps imperceptibly, but cer-

Jeff: Dem. Ap. 7. '46.

tainly, frittered away, and upon its ruins is growing up a vast multitude of particular local laws. Whither does all this tend? It seems to us that our legislation is gradually preparing for the future of this State the very condition, from which the revolution and Napoleon delivered France, the very condition under which nearly all of the old countries of the world are still groaning. It is not a little curious that the spirit of American legislation should set towards exceptional laws, whilst the spirit of European legislation sets in the contrary direction towards general laws—in other words that we should turn from, whilst they turn towards, the developement of great legal generaiizations. Exceptional laws in the feudal ages were the cradle of freedom, under our democratic institutions they may prove its grave.

We are too much governed. The evils of this excess have been felt already in five members of the confederation, and they have sought a remedy in biennial, instead of annual, meetings of their legislatures. In Alabama the vote of the people exhibited a majority in favor of this change of thirty-five or forty thousand—indeed it was nearly unanimous. The States, that have adopted this change, so far are well satisfied with its results. But will they thereby attain their object in arresting the flood of hasty and improvident legislation, which has for years been sweeping away the landmarks of law and of political principle? This is a question to whose answer we will one day devote another column.

ACQUITTAL OF TIRRELL, THE MURDERER.

We subjoin some remarks from the Public Ledger, in relation to the trial and acquittal of Tirrell, within a few days past at Boston. Our readers will recollect that Tirrell was charged with the murder of Mrs. Bickford, a woman with whom he was living in a state of adultery at a house of ill fame, that after the murder the house was fired in several places, that Tirrell left the city that morning about day-light, and subsequently fled to New Orleans where he was arrested, passing at the time under an assumed name. The evidence against him was circumstantial but overpowering. His defence was predicated upon his committing the murder—*while he was asleep*, or that the woman having cut her own throat and bled to death, was yet strong enough to get out of bed and fall where she was found some places distant. A more infamous acquittal is not to be found in the records of the criminal courts of any part of the world. Tirrell, it seems, had "respectable" friends and relations, rich probably, and out of tenderness to their feelings the honest and "respectable" jury acquitted him. In England they hang "respectable" persons who commit crimes, justly considering their respectability an aggravation of their guilt. The British cases of Dr. Dodd, who was the Queen's Chaplain, of the Earl of Ferrars, of the banker Fauntleroy, stand in proud and mortifying contrast with the American cases of Tirrell, of Robinson and of Alexander. Verdicts like this in Tirrell's case bring the administration of justice into contempt, render crime audacious, and dispirit good citizens from dragging guilt to the bar. The whole country is interested in showing that it regards the finding of this Boston jury as an outrage upon common honesty as well as upon common sense.

Acquittal of Tirrell.—We regard the acquittal of Tirrell as an enormous crime; and we shall entertain a lower estimate of public opinion than ever before, if this crime escape without general condemnation from the press. The jury had the right of opinion, were sworn to try well and truly, and decided according to their views of the evidence. Their crime is in reaching their decision; and it indicates, like the cases of Robinson and Alexander, a deplorable facility in being led astray by morbid sympathies. We have never met with a stronger case of circumstantial evidence. This evidence shows a homicide, an arson, a flight from the apartment of the deceased, the sojourn of Tirrell with her on the fatal night, the discovery of his clothes, cane and other things in her chamber, his application to a livery stable, and immediate flight from Boston. The defence is that she committed suicide, a supposition rendered utterly improbable by the testimony. If she did so, why did not Tirrell, ardently attached to her as he is said to have been, on discovering the "rash act," alarm the house and call for assistance? If he loved her so tenderly, we might expect some slight effort to save her. Her fall on the floor, if her own act, would have waked him, even if her shrieks had not. But instead of calling for help, he sets the house on fire, washes his hands, and then runs away! All these preparations to burn the house required time; and if she still breathed when he begun them, as the very hypothesis of suicide presupposes, his proceedings show not only the most callous indifference to her, so much *beloved* by him according to the testimony, but a deliberate design to murder others by burning them to death. Suicide! The supposition is perfectly preposterous, and completely stultifies the jury.

Somnambulism, the other ground of defence, we throw out of the case, as the jury declare that it was so treated by them. We believe in somnambulism; but considering the evidence in this case, we regard as utterly absurd, the supposition that Tirrell committed this homicide, set fire to the house, and then ran off to a livery sta-

B.

ble for a horse, *while asleep*. In the name of common sense, when did he wake? If when he got into the yard, and made that noise so much resembling the cry of one just escaped from a suffocating smoke, why did he not return to the chamber? The smoke would have alarmed him for the safety of his companion and the rest of the house. Was he asleep at the livery stable? Both grounds of the defence are absurd, the jury have incurred a terrible responsibility, and their verdict is a license to murder.

Jeff: Dem: 24 Feb. 1846.

BRIBERY.

Feb 24 1846.

There is pending before the Legislature at Harrisburg, some inquiries into the affairs and doings of the Lehigh County Bank, a concern chartered upon the individual liability principle and owned by a citizen of New York. One McCook, a citizen of Ohio, somehow interested in the Bank, or employed by its proprietor, has, it is said, been attempting to bribe Mr. Piollet, of Bradford county, a member of the House, to influence his vote in favor of the Bank. After the corrupt proposition was made to him, Mr. Piollet taking the advice of his friends, was urged by them to see the thing through, which he did, and received from McCook four hundred dollars as a bribe. The next day after receiving the money, Mr. Piollet exposed the whole transaction to the House, which ordered McCook into the custody of its Sergeant-at-Arms, and appointed a Committee to investigate the affair. The evidence offered before the Committee, exhibits no material facts, differing from this statement.

That bribery has often been resorted to within the last ten years, as a means of influencing the legislation of this State, has been currently asserted and generally believed. That the charter of the U. S. Bank was obtained in that way—that some of the subsequent extraordinary doings in relation to the Banks were brought about by corrupting members—no one doubted. Yet their being no proof that reached any one in particular, the people, though conscious of the wrong, had to endure it in indignant silence. At last one of these smooth gentlemen, who could insinuate a bribe into one man's pocket as easily as he could pick another's, has been trapped, fairly caught in the iniquity by his supposed partner. Supposing the House to be satisfied of McCook's guilt, what will they—what can they do with him? Here's a precedent: A

2nd column forward—B A

with all the gravity of an owl, commanding the Sergt. at Arms to place McCook at the Bar of the House, & then, after coughing three or four times to clear his voice, and knitting his brow to look like "Jove when guilt brings down the thunder," addressing the wretched McCook after this fashion:

Daniel McCook. A charge has been preferred against you, for attempting to bribe a member of this House. You need not shake your head and try to look innocent. Your flagrant guilt has been made manifest as yon bright eye of the Universe. This whole House—nay, all Pennsylvania, has been outraged in your damnable attempt upon our privileges—the chiefest of which is *not* to be bribed, especially upon bank questions. Human nature shudders at the frantic atrocity of your unutterable crime—a crime *non nominandum inter christianos*. You ought undoubtedly to be hung, drawn and quartered, but as we cannot go quite that far, we will go as near to it as we can. (*Here McCook turned pale and a slight tremor passed over his frame.*) Yes! we cannot hang you, as you deserve, but we can, (*gritting his teeth and slashing the table with the mace,*) we can reprimand you, and I do therefore, in the name of the good people of Pennsylvania, and by order of this honorable House, and as Speaker thereof, accordingly reprimand you.

Which excruciating punishment being duly inflicted, we may further suppose Mr. Daniel McCook, to look the Speaker steadily in the eye for about twenty seconds, and then slowly to raise the thumb of his right hand to the tip of his nose, and extending the other digits, to give to the whole hand a wigwag motion of the most expressive character. After which, slowly leaving the House, the reprimanded man might possibly walk down to Prince's, with the Speaker, and take a gin cocktail to soothe the crushed and broken spirit of the one, and to recruit the exhausted energies of the other. A few days afterwards, arriving at home, in Ohio, his fellow villagers would ring the bells and illuminate the town in honor of his advent—and after hearing his explanation, would pass resolutions declaring him innocent, and approving all that he had done—as was recently done for another distinguished citizen of the Buckeye State.*

Jesting aside. If the Legislature can do nothing more to McCook than reprimand him, they had better let him run and save the justice of the Commonwealth from the reproach and ridicule of such an exhibition. Let them pass a wholesome stringent law, with a penitentiary clause in it, for

* John A. Bass—the Buckeye Blacksmith.

future offenders, and they will deserve well of their country.

P. S. Since writing the above, we see that the Investigating Committee in this affair has closed its labors, and a majority and minority report has been made. The majority report closes with a resolution that McCook be placed in the custody of the Sheriff of Dauphin county, to be proceeded against criminally, in the Court of Quarter Sessions. McCook immediately gave bail for his appearance at the next term, and is now at liberty.

On Trial McCook was committed & fined 400 dolls.

From Hon. J. Pringle Jones.

To Oliver C. James, B. F. Haus, J. K. Sterrett, Committee, &c.

GENTLEMEN:—I had hoped to be with you this evening, but find, at this last moment, that my engagements will not permit me to enjoy that pleasure.

The commemoration of Benjamin Franklin does not belong exclusively to your profession,—for Franklin, although he was the greatest printer that ever lived, was something more. He was the great American man—perhaps the very best *type* of the American *fount*. He belonged not only to you, but to the most enlarged humanity. Let every prin'er set up his bright example before him and steadily pursue it. Though he may not hope to equal Franklin, he will find himself constantly benefited by his *copy*.

With profound respect for you and the whole company you represent, I am very truly yours.

Reading, Jan. 17, 1855 J. PRINGLE JONES,

Hon. J. Pringle Jones.—An able Judge.—learned, honest, faithful in his attention to his important duties; accomplished in science and literature, at once the scholar and the business man, the discernment of the public has marked out for him a distinguished career.

EA

"In December, 1795, the House of Representatives committed two persons of the name of Randall and Whitney, for attempting to corrupt the integrity of certain members, which they considered as a contempt and breach of the privileges of the House; and the facts being proved, Whitney was detained in confinement a fortnight, and Randall three weeks, "*and was reprimanded by the Speaker.*"

This is simply preposterous. One of the severe legislators of antiquity prescribed no punishment for paricide, because he apprehended it was impossible that any one could commit so unnatural a crime. And so it would seem that in the innocence and purity of our republicanism, we have fixed no penalty against this monstrous invasion of the fundamental principle of the polity of the State—a principle that is to our common parent, the Republic, what life is to the parents of our bodies. But we are more foolish than was Solon. The crime that he did not punish had not disgraced his people—whilst we have been outraged by the frequent repetition of the offence we complain of, and have not branded it as a crime or laid it under a penalty. Bribery of a legislator is nothing but a breach of privilege! possibly a misdemeanor at common law—nothing more! The House would expel a member who took a bribe and reprimand the giver. What farce was ever broader than this. Just imagine Mr. Speaker, (we are entirely impersonal in this)

Last column EB

A TAVERN AT THE CEMETERY.

Application was made, this week, to our Court of Quarter Sessions, for the license of a public house opposite to the Charles Evans Cemetery. The application was refused, and the reasons which governed the decision of the Court, were stated by Judge Jones in the following forcible language:

There are some proprieties and decencies of life, which, strong as is the passion for gain in the human breast, even that passion has heretofore to some extent respected or been compelled to respect. It is not every place at which money is to be made by keeping a Tavern, that a Tavern will *therefore* be allowed to be kept. Taverns are licensed as well for the advantage of the public as of the publican, and if there is not a concurrence of mutual advantage, the private must give way to the public interest.

The situation of this house, for which a license is sought, *is directly opposite to the gateway of the Cemetery.* It is just one mile from Reading, on a road which already has six taverns in full operation in as many miles—two of which are within a mile north of this house.

The Cemetery is not merely a place of great resort for the sacred purposes to which it is devoted, but is much frequented by those who are drawn thither by their affection for the memory of the buried dead, by their love of its enchanting scenery, and by all the other motives of curiosity, exercise and the like, which can be supposed to attract the pedestrian. It is not saying too much, perhaps, to affirm that of all those who walk beyond the paved side-walks, for other purposes than of some present object of mere business, nine out of every ten walk to the Cemetery. And of these, a great majority are females. That it will not conduce to the attractions of the walk, in the eyes of these, to have a Tavern at the gateway of its terminus, in front of which they will have to pass in review—I will not say of a set of drunken loafers, but if it is preferred, of drinking gentlemen—needs no affidavit. The annoyances to the women of Reading, from having a Tavern just at that point, no matter how well kept, would be multiform—and the one just mentioned, would be the very least of them.

Why, of all places, must there be a Tavern just there? Is the accommodation of the travelling public pretended? In coming *towards* Reading, on that road, the traveller has almost to run the gauntlet of the inns by the way-side, inviting him to refreshment or repose. In going *from* Reading, his horses must have been ill cared for, which it would be a reflection upon our forty hotels to suppose possible, if they required a nip of hay or watering at the end of the first mile. Really, it cannot be the travelling people whose accommodation is sought. Whose then? The visitors to the Cemetery? We hope not. That would be asking us simply to license the sale of liquors for the profit of the applicant, which we have no power to do.

Will any one ask us, seriously, for a license, where the pretence for it is stripped so naked as this? It seems to us that he who has walked to the Cemetery—the place at which there is "an end to all temporal things—an end of names and dignities and whatsoever is terrene"—that he who has rightly walked among "the urns and sepulchres of mortality," will leave the place with no mere mortal thirst, to be quenched at a road-side inn. Oh! no, the dead speak to us from their graves; and, though to our mortal senses their city is silent, from every habitation there springs a memory, a feeling, a thought whose voice is trumpet-toned to our shuddering souls. Wretched is he who can walk the paths of a grave-yard, without hearing these sounds—and happy, to whom they come. Is it to drown the reflections—inspired by the awful teachings of the dead—that this Tavern is necessary? Why, then, for that very reason, most of all, is it unnecessary. It is the policy of those who govern soldiers, not to let them think too deeply upon death, least they should come to fear it; hence, though they bring a soldier to the grave with the most solemn pomp of measured march and wailing music, having buried him, they march off with indecent but studied haste, to the most lively tunes. Is that the principle on which this license is asked? Is it expected that they, who have just been startled in their wild lust of life, by the hollow rattling of the clods of the valley upon the coffin of some friend or brother, will require something to reanimate their spirit—and that, passing from the funeral dirge, they will only have to cross the road in order to join in the bacchanal chorus?

The recommendation of this license is eminently respectable. Among others who join in recommending it, is the Board of Trustees of the Cemetery. For these gentlemen, individually and as members of this corporation, we entertain a very high regard; and their wishes, under ordinary circumstances, would be entitled to much consideration.—We doubt, however, whether they ever gave this matter much attention, and whether their private judgments do really approve their petition. The facility with which papers of this kind are signed, deprives them of all value in our eyes. And we think these gentlemen will, in the end, thank us for having rescued them from the consequences that might have followed their excessive good nature.

The Cemetery is not to be a kind of Vauxhall Gardens or Bois de Boulogne, and therefore does not require a bar-room and fixtures, either in it or in its immediate vicinage. None would be more scandalized by such a desecration of it, than would these excellent gentlemen; and they will agree with the Court we doubt not, that it is better that this license should not be granted.

April Sessions. 1854.

RIGHTS OF PARENTS.

A case of Habeas Corpus came before Judge JONES this week, involving the question as to whether, under the circumstances, the father or mother had the right to the custody of the child—a boy some 15 years old. The father resides in Pottsville, and the mother in this county. They were divorced when the boy was about 2 years old, and both have again married. The father alleged that he wished to obtain possession of the boy to give him a good English education, but a well written English letter from the boy was produced by the father, in evidence, showing that the boy was not ignorant of the language. The opinion of the Court states other facts.

Commonwealth Ex. rel. Henry L. Kutz, vs. Gehret and Wife.—Questions, relating to the right of a father to regain the custody of his infant children are not to be decided so much by reference to any supposed vested right of the kind existing in the father, as by reference to the *interest* of the child itself. No court has ever denied the general right of the father—but admitting that, as was well said by Mr. Justice Story, in U. S. vs. Greene, 3 Mason, 382, "it is an entire mistake to suppose that the Court is at all events bound to deliver over the infant to its father, or that the latter has an absolute vested right in its custody." Such right, as the father has, is, when he seeks to enforce it by means of this writ, subordinated to the higher consideration of the good of the child. A cause, that would not be sufficient to divest a father of the custody of his child, when that was established and he was the respondent to the writ of Habeas Corpus, might be ample enough to prevent his acquiring such custody where

he was the relator in such writ. It is a very different thing whether the court be invoked to take a child out of, or to restore it to, the parental guardianship. The good of the child, which one would suppose should he the same in both cases, as well as the right, is regarded apparently from different points of view. It were, perhaps, hard to say, in such cases, "melior est conditio possidentis"—hut it is certain that when the father is out of possession of his child, the question of his right and of the advantage of the child is open to a much wider range of considerations than when he is in such possession.

In the case before us the mother is the respondent. The father, who is the relator, was divorced from the mother in 1842, when this child was not two years old—on the ground of cruel and barbarous treatment. He was a very intemperate man—which may have been the cause of all his domestic difficulties. He continued his career of drunkenness until within a year or eighteen months back—since which time he has, to all appearance heen loading the life of a sober and respectable man. He has married again.

During the thirteen years that this child has been living with his mother, he seems to have occupied very little of the care or thought of his now anxious father. An inconsiderable trifle of money advanced towards his support and mainteuance—a couple of visits in some seven or eight years are the exponents or the intensity of that anxiety. Now, however, that the child is fifteen years old, the father, discovering that his education is not what he could wish it to be, exhibits a care in that behalf, that would be commendable, if we could believe it to be sincere. To improve his English, this fond father would remove this child from the care of a mother, who has watched over him from the hour of his birth with the tenderness and love that she only can feel who knows that he is "flesh of her flesh, bone of her bone," and would take him to a strange home where he would find a father that can scarcely know him by sight, and a step-mother who does not know him at all. It is possible enough that his English might he improved—hut at the cost of his happiness.

The child does not wish to go to his father—unhesitatingly he elects to remain with his mother—and he is old enough and intelligent enough to form a very sound opinion on this subject. If the case were evenly balanced on all the claims between a father and mother—the wishes and feelings of the child would incline our judgment to the side he should prefer. But there is no such equilibrium here. The statement of the fact shows that the father stands upon the naked abstract right of custody. A father standing upon that mere right, and claiming against a mother who stands upon the higher ground of exclusive performance of all the parental duties, does not present a favorable case in behalf of which to invoke the judicial discretion. The guarranty which the past offers for the future is all in favor of such a mother, and is all against such a father. A father who divests himself of his duties to his child during the whole period of the *onus* of childhood, shall not be listened to in reclamation of his right when that childhood has ripened into the *commodum* of an age whose work, labour and services might be profitable to him;—he shall find that his duties and his rights cannot be put off and drawn on, like his slippers, at his good will and pleasure. If he abandon his duties, courts will not assist him in vindicating rights, which are the correlates of these duties.

The child in this writ mentioned is therefore remanded to the care and custody of the respondent—who is discharged of the said writ without day—and the costs of this proceeding are adjudged against Henry L. Kutz, the relator.

COURT OF QUARTER SESSIONS.

Com. vs. John G. Kauffman.—This was an indictment for *Embracery* or attempting improperly to influence a jury, and being the first offence of the kind tried in this county, we give the charge of the Court somewhat at length.

The evidence was that a case was trying in the Court of Common Pleas of Berks county, in which Lydia Forney,—the mother-in-law of J. G. Kaufman—was plaintiff, and Jacob Forney, defendant. The deft. by way of set off charged the plff. with the rent of a farm belongiug to him which she had occupied, and the annual value of the farm came in controversy,—the deft. asserting that it was worth $600. After the evidence had been heard, and the counsel on both sides had addressed the jury, the Court adjourned at noon, before the charge of the judge was delivered. Before the ringing of the bell two of the jurors were standing near the Court House, conversing, when Kaufman approached them, and stopping a moment and turning towards them, remarked, in a loud voice, that, as she had the farm, he would not give $100 a year for it—or nothing, as some of the witnesses stated The jurors both heard the remark, and one of them observed 'that was rather too loud.' The occurrence was brought to the notice of the Court, and the jury was, in consequence, discharged. On this trial the question was whether the deft. intended the remark for the jurors or whether it was merely accidental, and evidence was given on both sides. The Court charged substantially as follows:

Whatever may be the result of this trial its effect will be good, as many people do not appear to be aware of the law in regard to the subject. Whatever hinders or obstructs public justice, or contravenes the principle that justice shall be impartially administered to all, upon evidence delivered in open Court, under oath, is an indictable offence and punishable with fine and imprisonment. It is necessary to preserve the administration of justice free from all corrupting influences. It is well understood by society that their dearest right is that of a trial, whether in civil or criminal cases, by an uncorrupted jury. In this country, which is governed only by the laws, if the administration of justice is not not maintained in a purity above suspicion, the people will lose all respect for the law, and we shall fall into the anarchy and confusion which has marked the history of so many countries in the old world. You cannot fail to have observed some of the many means which the law takes in its solicitude that justice be impartially administered;—the care with which, in capital cases, a jury is separated from the rest of the world, and hedged about, and none permitted to approach them. The prisoner himself cannot consent to their separating. And in the most ordinary trials how often is the Court asked to instruct the jury not to allow themselves to be spoken to about the case, or to permit it to be spoken of in their hearing. Even the Constable, who has them in charge, is sworn not to speak to them, except to inquire whether they have agreed upon their verdict. All this should bring home to the minds of jurors a sense of what the law is,—how sacred it regards them after being sworn. They must be free from all external influences,—their minds unaffected by anything except the evidence, the arguments of counsel and the charge of the Court. The law is its own guardian, although there may be no statute, and it has within itself the means for its vindication and protection. No statutes could define every variety of offence and if the law had not the power to punish every improper interference, courts and juries would often be left entirely unprotected. All the law, that is not statute, is common law,—the old *volks-recht* which has come down to us through many generations.

As to this offence, it matters not whether the statutes of the Edwards' are in force or not,—common law sufficient to cover the ground is in force. Maintainance, of which the offence charged is a species, is an offence at common law, and the statutes are but declaratory of what that law always was and yet is. After the Norman conquest, and the subjugation of the Saxons, the feudal barons resided in their fortified castles with their armed followers, and the people were but serfs.—The laws were administered by the clergy.—In cases where a suit was brought against one for his land, it was common to apply to one of these lords, and by large offers to buy his aid and support. He attended Court with his followers, and let it be understood that any one who opposed the man whom he sided with would be compelled to settle the matter with him—perhaps with fire and sword. This became such an evil that statutes were passed against the offence which was called Maintainance, which statutes were, however, but declaratory of what the common law always had been In this State we have had nothing of this interference by the hand of power, and it is probable that an agreement to aid and support a poor man in a law suit, may not be maintainance. These statutes could not be in force here, for there never was any thing for them to act upon,—there was nothing in our circumstances to which they, or that part of the common law of which they were declaratory were applicable.

The common law, which supplies the unwritten, is in many particulars much more extensive and important than the statute. It is often denounced, yet it is the great guardian of our rights. In many respects it is so sacred that what is the common law of England, is in this country, placed beyond legislative interference by being incorporated in the Constitutions of the different States. It was brought here by the colonists, and was considered the birth-right of the people. Wherever the conquests of England reach, to whatever quarter her colonies extend, the common law goes with them. That it was brought here, and that we inherit it was never doubted.

In the writings of Coke and Hawkins we find an authoritative exposition of the common law, and to them in frequent cases we must resort for the law, so far as applicable to our circumstances. Of all men that ever lived, Sir Edward Coke was the last to lay down any principle as law which was hostile to the liberty of the people. Unequalled as he was, as a jurist, and high as were the honors which he deservedly attained from the crown, he was always an ardent supporter of the rights of the people. His reports—embodying chiefly opinions delivered by himself, aside from the points decided by the Court, are of the highest authority, and his mere dicta hold rank with the opinions of the highest Courts.

Sir Edward Coke (Coke Litt. § 701, 368 b. 369 a) affirms that kind of maintenance which relates to a case pending in Court, to be an offence at common law, and to admit of a three-fold division: I. Champetie. II. Maintenance, without having any part of the thing in plea or writ, and III. that kind where one *laboureth the jury, if it be but to appear* or if HE INSTRUCT THEM, or puts them in fear, or the like. This last kind is in law, embracery, and one guilty of it is an embracer. And whether the jury pass for his side or no, or whether they give any verdict at all, yet shall he be punished as as a maintenor, or embracer, either at the suit of the King, in whose shoes the sovereign people of Pennsylvania stand, for the public offence, or of the party for the private wrong and injury

This shows the importance which the law, from the earliest times has attached to the jury box;—how solicitous it has always been that it should remain pure and uncontaminated From the moment that the name of the juror has been selected, even before he attends Court, he is not to be approached in regard to any case marked for trial,—not so much as solicited to attend. To tell the juror any thing about the case calculated to influence his judgment is an offence, although what is said may be perfectly true. All that the juror is to know he must learn at the bar, and should the juror have any personal knowledge of the facts, he can neither communicate them to the other jurors, nor is he authorized to act upon that knowledge himself, unless he be examined as a witness.

Any one attempting to influence a jury is guilty of this offence, whether the jury find a verdict in accordance with his wishes or not. It is not the result which makes the crime, but the attempt to plant an idea which shall influence the jury whether by fear, persuasion, or instruction. The propriety of this must strike the common sense of every man, and common law is but the embodied common sense of successive generations.

The doctrine on this subject is even more forcibly expressed, if possible, by Sergeant Hawkins, in his P. C. b. c. 85. §1, where he defines embracery to consist of *any attempt* to corrupt *or influence*, or INSTRUCT a jury, or to incline them to be more favorable to one side than to the other, by money, promises, letters, threats, or *persuasions, excepting by the strength of the evidence and argument of counsel in* OPEN COURT, *at the trial of the cause*, whether the jurors give any verdict or not, or whether the verdict be true or false.

From the moment that the name of the juror is announced in the papers, yes, from the time it is drawn from the wheel, his person is consecrated to the purposes of justice. The law draws around him an invisible cordon which no man may pass but at his peril. It is as complete the moment he is selected as when he is impanneled.

The institution of the jury has done much to elevate the character of the American people, but let it once be known that juries are accessible to outside influences,—that jurors can be thus approached, and the fountain of justice corrupted at its source—let this be understood by the community, and it will not be long before trial by jury will be blotted from our institutions. Other means might be devised for the administration of justice, but who can estimate the incidental advantages and benefits of trial by jury. The jury box is the school of civil rights which has elevated the Anglo Saxon race so far above all others in their knowlege of the principles of liberty and law, and in the estimate which they set upon their privileges. Take a county like this, where some five hundred citizens are brought into Court every year. They hear cases of every description, civil and criminal, discussed, the laws expounded, and the rights and duties of every relation of life defined. Ideas are taken home and talked over by the people at the domestic hearth and in their social meetings, and the knowledge thus acquired and disseminated becomes an important part of the intellectual and political capital of the nation. So has it been with our ancestors from the earliest times, and it is this institution which has elevated the English nation in their knowledge of their civil rights and their devotion to liberty so far above the people of the continent.

This institution is attacked by any attempt to influence or prejudice a jury. The defendant in this case is charged with such an attempt. To speak of a case accidentally in the presence of jurors without knowing their character, is no offence; but if the defendant knew they were jurors, and knowingly used language in their hearing calculated to influence their verdict, the offence is complete. No one is permitted to speak to or *at* a juror. It will not do to sit down in a tavern and discuss a case in the hearing of jurors, although not a word may be addressed to them Any attempt to influence their minds is an offence in the eye of the law, and punishable.

The Court then referred at length to the evidence, and left it to the jury to say whether, from the facts, they were satisfied that the defendant knew that the men, in whose hearing he used the words proved, were jurors, and made the remark intentionally, in their hearing. Verdict,—Guilty.

This charge was reported by J. S. Richards, Esq.

SELLING LIQUOR TO MINORS, &C.

The following is a syllabus of Judge Jones's charge in the cases of the Commonwealth vs Samuel Zerr, innkeeper, of Baumstown, who was tried last week in the Quarter Sessions, upon indictments for selling liquor to minors, and for keeping a disorderly house. He was convicted on the former, and acquitted of the latter. His counsel have moved for a new trial:

The offence of "wilfully furnishing intoxicating drinks to minors, by gift, sale or otherwise, to be used by them as a beverage," in violation of the Act of 1854, is not complete, unless it be done wilfully. Wilfully means knowingly and of purpose.

Furnishing is a word of very large signification, extended to every possible mode of violating the spirit of the law, by the word "otherwise."

"Intoxicating drinks" include every preparation that will make a man drunk—spirituous, vinous, fermented, or of whatever other nature such drinks may be.

Where the person furnishing such drink, knows that the youth is a minor, either from credible information, or might know it from the exercise of his powers of observation, the offence is complete.

Where one furnishes such drinks to a child of 12 years of age, for example, it will not do for him to say that such an act was not wilful. The evidence of nonage was before him and he will not be allowed to shut his eyes to it.

So where one, whose appearance perhaps may indicate full age, though he is in fact under age, is accompanied by persons who are obviously not of full age, the youthfulness of his companions is a circumstance to put the person furnishing drink upon inquiry.

Where the person furnishing drink to a minor, knows nothing about his age, and there is nothing in the circumstances to put him upon inquiry, the act not being wilful, is no offence against the law.

It is a question for the jury whether the appearance of a youth to whom drink is furnished, or the circumstances under which it is furnished, are such as to put a prudent honest man on inquiry. If they are enough, it is his duty to ascertain the fact—if they are not enough, his act will want the essential feature of wilfulness.

A tavern keeper who sells liquor to any person, at any time, but especially to minors upon the Sabbath, until they become drunk, noisy, disorderly and riotous, harboring them for hours drinking and tippling, may not for one such offence, incur the guilt of keeping a *common*, ill governed, disorderly house. But, such facts coming out upon the trial of a tavern keeper on an indictment for keeping such a house, the court will regard them as destroying the certificate of his good repute for temperance and honesty, and as showing his unfitness for holding a license. And the license held by him will be revoked.

Licenses for Berks County.

An adjourned Court met on Saturday last, May 24th, for the purpose of granting Licenses for Hotels, Taverns and Restaurants, in Berks County, under the provisions of the law of 1856. The novel character of the proceeding drew a large crowd to the Court House, including a number of persons directly interested. At 10 o'clock the Judges took their seats on the bench. Before announcing the list of Licenses granted, His Honor, Judge JONES, delivered the following excellent opinion, in which the Court give their construction of the new License law, and set forth the reasons which governed them in granting the Licenses, viz:

OPINION OF THE COURT.

In performing the difficult and delicate duties, imposed upon the Court by the Act of 1856 relative to the sale of liquors, we feel that it is due to the public, to those who have lost their licenses—perhaps even to ourselves—to state the grounds upon which we have acted. We do not hope nor care to conciliate any good will. We have had to perform a duty which puts us in direct antagonism with the interests of many men—and we have performed it, satisfactorily to ourselves, whatever others may think of our performance. Higher or other applause or censure, than of his own conscience, it becomes no magistrate to seek or to fear.

Whatever may be our private individual opinions of the kind of legislation, of which this Act is a part, we have felt that this bill contains for this county, at least, one great remedial feature—it involves an absolute reduction of the existing number of taverns. Every honest, sensible, and orderly citizen has long deplored the great evils resulting from the excess in our midst of these establishments. A tavern for every seventy taxables, a ratio to which we had sunk, involves necessarily the most wretched accommodations for the public and, worse than that, a depravation of the tastes, habits and morals of the rising generation, threatening, in the most unmistakable manner, the worst consequences to society. Nothing less than a law was adequate to the correction of the abuse to which the licensing power had given birth; it required something more inflexible than the will of a Court, which, being composed of men, was therefore open to human sympathies, to strike down a gigantic evil, so interwoven with almost every interest, as to become in some sense an institution of the social system. The law of 1856 does this It prescribes a limit to the discretion of the Court in granting licenses, beyond which it cannot go We had 247 taverns in Berks—the law declares that we shall not have more than 130, and that this Court shall, with a single eye to the convenience of the people, select and license as many of the 130 as it deems necessary to that convenience.

The ratio of apportionment gave to Reading, as a city, forty taverns, which is simply a ridiculous excess above her wants—to the county ninety. As we construe the law, the Court was at liberty, within the limits of these figures, added together, to apportion taverns without any regard whatever to the population of the municipal divisions of the county—the convenience of the public and the accommodation of strangers, travellers and sojourners, as indicated by the law, being the true and only basis of such apportionment. It is, in the country, much more a question of the length and nature of the roads in fixing an apportionment, than of the number of the people. In the towns.

it is, in like manner, rather a question of their business activity and requirements. The local population require for their wants but few taverns, and we have sought, as much as was within our power and knowledge, to cut down all such houses as depended upon that local support, for such houses are, or soon become, the curse of their neighborhood.

Along the line of the canals and railroads, we have proceeded upon the principle of granting no Tavern licenses whatever, as far as an adherence to that principle was at all practicable or compatible with the convenience of the internal travel and business of the county. We did not deem it advisable that liquors should be sold along these lines, to the great detriment of their numerous *employees*, and to the injury and danger of the resident and travelling public. The principle has been fatal, perhaps, to some very well-conducted houses—to many more that were of a different character. Doubtless, we have taken the licenses from some very profitable taverns, but their profit was derived almost wholly from the sale of liquors to men, of whom the greatest man the world has ever known has said that in its last analysis the gold of the rich was but *their* sweat and blood. This gold shall not be made from the honest sons of toil by our connivance.

Following out this principle, we have removed Taverns, as much as possible, from the neighborhood of great manufacturing establishments. It was no recommendation to us that a house had numerous boarders, operatives in such establishments; on the contrary, that representation afforded the very strongest possible argument for taking away its license.

We have licensed no oyster cellar as an eating-house—conceiving that the law did not authorize us to license any other than a house. And we were the rather induced to this, by a desire to supplement the taverns, as far as practicable, by houses that would afford accommodations to the travelling public. Hence, many of the eating-houses will be found to have been old taverns.

No tavern-keeper can be allowed to have an oyster-cellar in connection with it. These cellars, so connected, are very pernicious places—and it would be unfair, in the highest degree, to the keepers of oyster cellars to allow tavern-keepers, who now have the retail liquor business exclusively thrown into their hands, and whose business is otherwise greatly enhanced in value by the reduced number of those allowed to follow it, to combine with their taverns, in any way, this business of another class of men. No license will be issued to any such tavern as has an oyster cellar in its basement, until the Court is satisfied that it has been entirely removed.

The taverns in Reading have been reduced fifty *per cent.* in number. Licenses have been granted to nineteen taverns and to sixteen eating houses. We believe that this is an ample allowance.—Rightly considered, the very numerous poor taverns that have been allowed year after year to drag along a miserable precarious existence, depending wholly upon their bars, have been an enormous social, moral and public wrong. They have prevented the development of houses adapted to the wants of the travelling part of the community, and so have repelled from the town that fair share of travel, which its pre-eminent natural advantages would attract hither. It is not necessary to point out how this has operated upon the general value of property here and in the neighborhood. Every one who will think for himself, must perceive how this stands. Disastrous as have been the effects of her too numerous taverns upon her material interests, it is probable that Reading has suffered still more from them, socially and morally. But the day of her deliverance has come. Whatever may be the fate of the law under which that day has been ushered in, we apprehend that no Court, which shall come after us, will exercise its discretion in restoring the old order of things.

We are conscious that, in discharging the duties imposed upon us, we must have committed many errors of judgment. The area of Berks is some 950 square miles, intersected probably by many hundreds of miles of roads, with which, and with the course of travel upon which, we can necessarily be but very imperfectly acquainted. We have had no map to guide us save one drawn with great care by Judge Young, and without which our labors had been perhaps wholly in vain. The information we have received has been partial.—The drafts we required have been, for the most part, imperfectly executed. We have felt that we were often groping in the dark.

What we have done, we regard as experimental. Let no man suppose that his license, now granted, is an absolute, irrevocable grant. The next year must determine whether our selection of the site was a proper one—whether our confidence in the grantee was misplaced. Either error the Court will be prompt to remedy. There are some applications held under advisement, of further proceedings in which parties and counsel will be duly notified.

From this day, it will be distinctly understood, that the sale of liquors in other than the houses licensed will be treated as an offence, punishable under the act of 1856. The interval between the expiration of the old licenses, and the issuing of the new ones is now entirely ended—and the law of 1856 takes instant and complete effect over the whole county

For myself, personally, I cannot conclude these observations without expressing, here publicly, how much gratification and assistance, in the really arduous labor of the work just finished, I have derived from the pains-taking, conscientious devotion of my colleagues to their duties. What we have done is, in no instance, the work of a mere majority of the Court. It is our unanimous action

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THE LICENSE CASES.

Our Court of Quarter Sessions met last Saturday—present all the Judges—for the purpose of deciding upon the applications for tavern and eating house liceuses under the new law. Before anuouncing the names of the persons to whom liceuses were grauted, Judge Jones made the following stateuent, iu explauatiou of the action of the Court upon these cases:

In performing the difficult and delicate duties, imposed upon the Court by the Act of 1856, relative to the sale of liquors, we feel that it is due to the public, to those who have lost their licenses—perhaps even to ourselves—to state the grounds upon which we have acted. We do not hope nor care to conciliate any good will. We have had to perform a duty which puts us in direct antagouism with the interests of many men—and we have performed it, satisfactorily to ourselves, whatever others may think of our performauce. Higher or other applause or censure, than of his own conscieuce, it becomes no magistrate to seek or to fear.

Whatever may be our private iudividual opinions of the kind of legislation, of which this Act is a part, we have felt that this bill contains for this county, at least, one great remedial feature—it involves an absolute reduction of the existing number of taverns. Every honest, sensible, and orderly citizen has long deplored the great evils resulting from the excess in our midst of these establishments. A tavern for every seventy taxables, a ratio to which we had sunk, involves necessarily the most wretched accommodations for the public, and, worse than that, a depravation of the tastes, habits and morals of the rising generation, threatening, iu the most unmistakable manner, the worst consequences to society. Nothing less than a law was adequate to the correction of the abuse to which the licensing power had given birth; it required something more inflexible than the will of a Court, which, being composed of men, was therefore open to human sympathies, to strike down a gigantic evil, so interwoven with almost every interest, as to become in some sense an institution of the social system. The law of 1856 does this. It prescribes a limit to the discretion of the Court in granting liceuses, beyond which it cannot go. We had 247 taverns in Berks—the law declares that we shall not have more than 130, and that this Court shall, with a single eye to the conveuience of the people, select and liccuse so many of the 130 as it deems necessary to that convenience.

The ratio of apportionment gave to Reading, as a city, forty taverns, which is simply a ridiculous excess above her wants—to the county ninety. As we construe the law, the Court was at liberty, within the limits of these figures, added together, to apportion taverns without any regard whatever to the population of the municipal divisions of the county—the convenieuce of the public and the accommodation of strangers, travellers and sojouruers, as indicated hy the law, beiug the true and ouly basis of such apportionment. It is, in the country, much more a question of the length and nature of the roads in fixing an apportionment, than of the number of the people. In the towns, it is, in like manner, rather a question of their business activity and requiremeuts. The local population require for their wauts but few taverus, and we have sought, as much as was within our power and knowledge, to cut down all such houses as depended upon that local support, for such houses are, or soon become, the curse of their neighborhood.

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Following out this principle, we have removed Taverns, as much as possible, from the neighborhood of great manufacturing establishments. It was no recommendation to us that a house had numerous boarders, operatives in such establishments; on the contrary, that representation afforded the very strongest possible argument for taking away its license.

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We are conscious that, in discharging the duties imposed upon us, we must have committed many errors of judgment. The area of Berks is some 950 square miles, interseted probably by many hundreds of miles of roads, with which, and with the course of travel upon which, we can necessarily be but very imperfectly acquainted. We have had no map to guide us save one drawn with great care by Judge Young, and without which our labors had been perhaps wholly in vain. The information we have received has been partial.—The drafts we required have been, for the most part, imperfectly executed. We have felt that we were often groping in the dark.

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From this day, it will be distinctly understood, that the sale of liquors in other than the houses licensed, will be treated as an offence, punishable under the act of 1856. The interval between the expiration of the old liceuses, and the issuing of the new ones is now entirely ended—and the law of 1856 takes instant and complete effect over the whole county.

For myself, personally, I cannot conclude these observations and assistance, in the really arduous labor of the work just finished, I have derived from the pains-taking, conscientious devotion of my colleagues to their duties. What we have done is, in no instance, the work of a mere majority of the Court. It is our unanimous action.